

# **RICHLAND COUNTY**

## **REGULAR SESSION**

### **AGENDA**



**TUESDAY JULY 2, 2024**

**6:00 PM**

**COUNCIL CHAMBERS**



# Richland County Council 2023-2024



Jessica Mackey  
District 9  
Chair



Overture E. Walker  
District 8



Chakisse Newton  
District 11



Cheryl D. English  
District 10



Derrek Pugh  
District 2  
Vice Chair



Jason Branham  
District 1



Gretchen D. Barron  
District 7



Yvonne McBride  
District 3



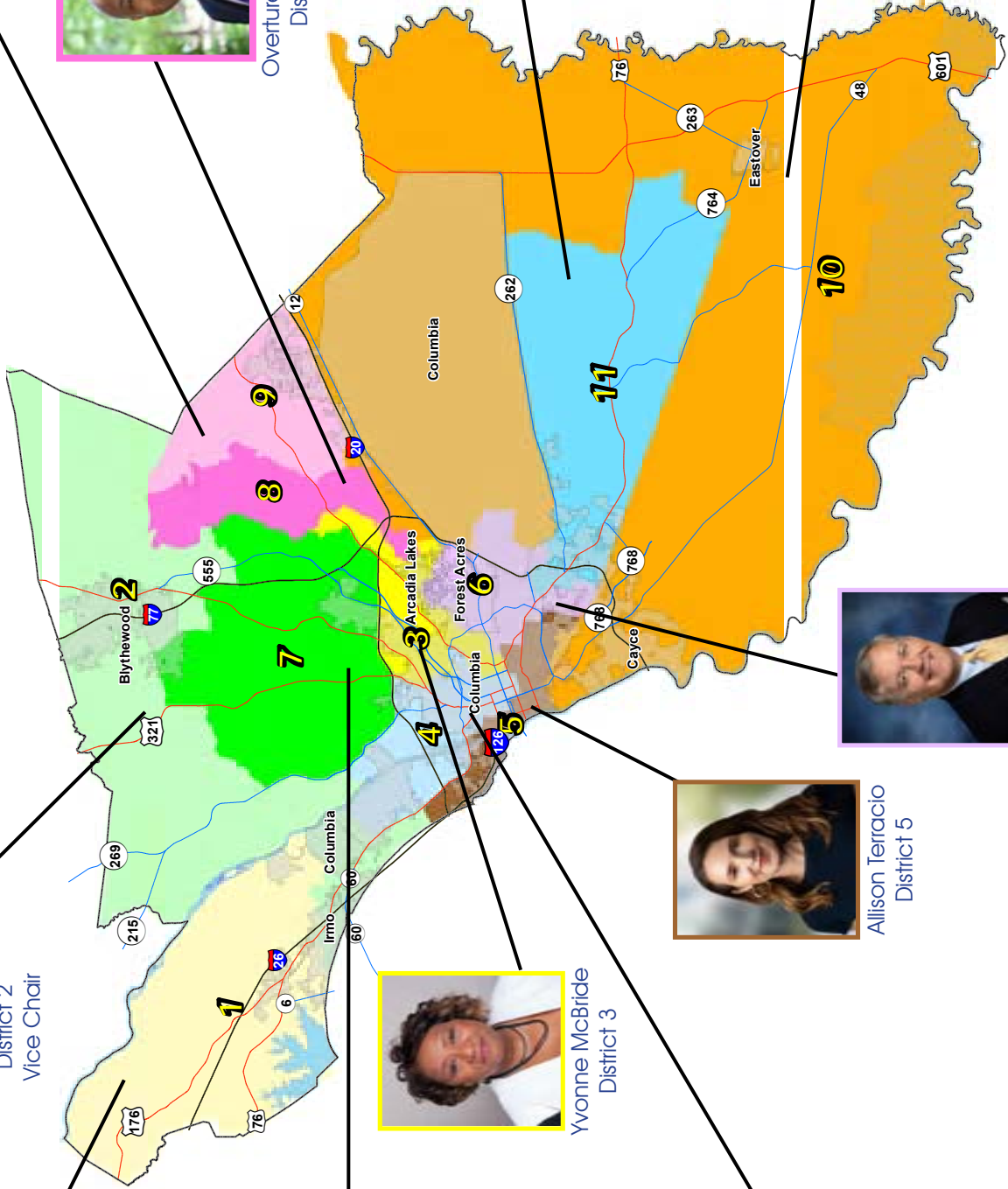
Allison Terracio  
District 5



Paul Livingston  
District 4



Don Weaver  
District 6





**Richland County  
Regular Session**

**AGENDA**

July 2, 2024 - 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER**

The Honorable Jessica Mackey, Chair  
Richland County Council

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

The Honorable Allison Terracio
3. **PLEDGE OF ALLEGIANCE**

The Honorable Allison Terracio
4. **APPROVAL OF MINUTES**

The Honorable Jessica Mackey

  - a. Regular Session: June 18, 2024 **[PAGES 9-19]**
  - b. Zoning Public Hearing: June 25, 2024 **[PAGES 20-22]**
5. **ADOPTION OF AGENDA**

The Honorable Jessica Mackey
6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

Patrick Wright,  
County Attorney

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

  - a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl
  - b. Condemnation of TMS: R12600-02-01 [Pursuant to SC Code of Laws, Sec. 30-4-70(a)(2)]
  - c. Condemnation of TMS: R12700-01-21 [Pursuant to SC Code of Laws, Sec. 30-4-70(a)(2)]
  - d. Condemnation of TMS: R15100-10-01 [Pursuant to SC Code of Laws, Sec. 30-4-70(a)(2)]
  - e. Legal Advice: Project Connect
  - f. Legal Advice: Word of God Development Corporation
7. **CITIZEN'S INPUT**

The Honorable Jessica Mackey

  - a. For Items on the Agenda not requiring a Public Hearing

**8. CITIZEN'S INPUT**

The Honorable Jesica Mackey

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

**9. REPORT OF THE COUNTY ADMINISTRATOR**

Leonardo Brown,  
County Administrator

**10. REPORT OF THE CLERK OF COUNCIL**

Anette Kirylo,  
Clerk of Council

**11. REPORT OF THE CHAIR**

The Honorable Jesica Mackey

- a. Transportation Improvement Public Hearing: July 9, 2024 - 6:00 PM

**12. OPEN / CLOSE PUBLIC HEARINGS**

The Honorable Jesica Mackey

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl

**13. APPROVAL OF CONSENT ITEMS**

The Honorable Jesica Mackey

- a. Case # 24-009MA  
Aaron Breedon  
HM to GC (9.18 Acres)  
E/S Hard Scrabble Road  
TMS # R20300-03-02 [SECOND READING]  
[\[PAGES 23-24\]](#)
- b. Case # 24-011MA  
Denise Lawson  
RT to GC (0.69 Acres)  
1710 Dutch Fork Road  
TMS # R02408-02-03 [SECOND READING]  
[\[PAGES 25-26\]](#)
- c. Case # 24-015MA  
Megan Newbold  
GC to MU3 (1.53 Acres)  
3003 Two Notch Road  
TMS # R11613-02-02 [SECOND READING]  
[\[PAGES 27-28\]](#)
- d. Case # 24-016MA  
Phillip Bradley  
R3 to R5 (21.24 Acres)  
S/E Rabon Road  
TMS #R17112-01-01 (portion of) [SECOND READING]  
[\[PAGES 29-30\]](#)



- e. An Ordinance Authorizing an easement to the City of Columbia for a sanitary sewer main located at 1871 Omarest Drive, Richland County TMS #07415-01-01(p) [FIRST READING] [\[PAGES 31-40\]](#)
- f. An Ordinance Authorizing easement to the City of Columbia for a storm drainage line located at 1403 Jim Hamilton Boulevard; Richland County TMS #13702-01-30(p) [FIRST READING] [\[PAGES 41-47\]](#)
- g. An Ordinance Authorizing an easement to the City of Columbia for sanitary sewer main located at the South Side of Plowden Road; Richland County TMS #13608-01-13(p) [FIRST READING] [\[PAGES 48-58\]](#)
- h. Department of Public Works - Engineering - Land Manual Revision 2024 Update [\[PAGES 59-234\]](#)
- i. Department of Public Works - Solid Waste - Drop-Off Center Hours of Operation [\[PAGES 235-238\]](#)
- j. Utilities - Southeast Sewer Master Plan [\[PAGES 239-267\]](#)
- k. Public Works - Engineering - GreenHill Parish and Spring Park Sidewalk- Award of Construction [\[PAGES 268-273\]](#)
- l. Economic Development - Lease Renewal [\[PAGES 274-293\]](#)
- m. Grants & Community Development - 2024 Annual Action Plan [\[PAGES 294-394\]](#)
- n. Community Planning & Development - Conservation -Historic Preservation Plan [\[PAGES 395-401\]](#)
- o. Community Planning & Development – Planning Services – 2025 Comprehensive Plan Update [\[PAGES 402-406\]](#)

## **14. SECOND READING ITEMS**

The Honorable Jesica Mackey

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl [\[PAGES 407-508\]](#)
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Commodore to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [\[PAGES 509-542\]](#)

**15. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

The Honorable Overture Walker

- a. Transportation Penny Advisory Committee (TPAC) Recommendations [\[PAGE 543\]](#)

**16. REPORT OF THE STRATEGIC PLANNING AD HOC COMMITTEE**

The Honorable Jesica Mackey

- a. Strategic Plan Performance Measures
- b. Website Update
- c. Public Private Partnership Roadmap

**17. OTHER ITEMS**

The Honorable Jesica Mackey

- a. FY25 - District 1 Hospitality Tax Allocations [\[PAGES 544-545\]](#)
  - 1. Capital City Lake Murray Country - \$20,000
- b. FY25 - District 2 Hospitality Tax Allocations [\[PAGES 546-547\]](#)
  - 1. Capital City Lake Murray Country - \$ 5,000
- c. FY25 - District 5 Hospitality Tax Allocations [\[PAGES 548-549\]](#)
  - 1. Columbia Classical Ballet - \$5,000
  - 2. South Carolina Ballet - \$5,000
- d. FY25 - District 6 Hospitality Tax Allocations [\[PAGES 550-551\]](#)
  - 1. Capital City Lake Murray Country - \$30,000

**18. EXECUTIVE SESSION**

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

Patrick Wright,  
County Attorney

**19. MOTION PERIOD**

The Honorable Jason Branham  
The Honorable Chakisse Newton

- a. I move that County Council direct the County Administrator to research and provide to Council (1) ways to secure title to subdivision roads that were

developed but never had ownership transferred to the County and (2) to recommend changes to county ordinances and/or protocols to better assure that future development of subdivision roads includes conveyance of title to the county (unless there is an understanding between the developer and the County that the subdivision roads will intentionally remain privately owned and maintained).

**20. ADJOURNMENT**

The Honorable Jesica Mackey



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



Richland County Council  
Regular Session  
**MINUTES**  
June 18, 2024 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Leonardo Brown, Anette Kirylo, Stacey Hamm, Susan O'Cain, Dale Welch, Andrew Haworth, Patrick Wright, Judy Carter, Jackie Hancock, Jennifer Wladischkin, Chelsea Bennett, Maddison Wilkerson, Lori Thomas, Darlene Gathers, Thomas Gilbert, Brittney Terry-Hoyle, Geo Price, Venyke Harley, Ashiya Myers, Jeff Ruble, Aric Jensen, Matthew Drawdy, Angela Weathersby, Peter Cevallos, and Sandra Haynes

1. **CALL TO ORDER** – Chairwoman Jesica Mackey called the meeting to order at approximately 6:00 PM.

Ms. Mackey noted Ms. Newton is joining tonight's meeting virtually due to a prior work commitment. She has met Council Rules guidelines to participate virtually.

2. **INVOCATION** – The Invocation was led by the County Administrator, Leonardo Brown.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Paul Livingston.

4. **APPROVAL OF MINUTES**

- a. **Regular Session: June 4, 2024** – Ms. Barron moved to approve the minutes as distributed, seconded by Mr. Pugh.

Mr. Livingston moved to reconsider the portion of the minutes regarding Senior Resources (Budget Motion #43), seconded by Ms. McBride.

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

Opposed: Branham

The vote was in favor of reconsideration.

Mr. Livingston moved to fund Senior Resources at the requested amount of \$548,046 by transferring out \$163,346 from the General Fund, seconded by Ms. Barron.

Ms. Barron inquired how this motion will impact us financially and whether we are putting the residents of Richland County at a disadvantage.

The Budget Director, Maddison Wilkerson, responded the \$163,346 would have to come from the General Fund fund balance, which would take our fund balance to approximately 21%. As you recall, our fund balance policy is 20%-35%.

Ms. Barron stated that, given that this line item came out of the Community Impact Grants Committee, it does impact what we have already awarded. Those organizations will still receive the funds we voted on. She requested the current percentage of fund balance and the percentage if we approve this motion.

Ms. Wilkerson indicated that the impact on the fund balance is not significant. However, the motion does change the Community Impact Grant program, which equates to 1 mill, with 60% - Community Partners and 40% - Competitive Grants.

Ms. Mackey stated for clarification, the motion was to utilize funds from the General Fund Transfer category, which cannot happen.

Ms. McBride requested clarification of the motion.

**Regular Council Meeting Minutes**  
**June 18, 2024**

Mr. Livingston stated that most years, the Administration transfers funds from the General Fund account to fund various projects. If you recall, staff listed things they funded at the last meeting by transferring funds from the General Fund account. If he recalls correctly, approximately \$15M was transferred. He is requesting to transfer \$163,346 from the General Fund for Senior Resources. He noted his preference would be to add it and increase taxes, but this is a way to do it without increasing taxes. He pointed out there is roughly \$43M in unassigned fund balance. He maintained a good fund balance is two months of operations, or 16.67%. We are talking about a minimal impact on the fund balance. If it were a tax increase, it would cost an average taxpayer approximately \$0.40. If we do not do this, we are talking about a 30% reduction in our funding to Senior Resources.

Ms. Mackey reiterated the General Fund Transfer Out is a different line item in the budget than the General Fund fund balance. The motion referred to the General Fund Transfer Out line item, which is not something we can do.

Mr. Livingston clarified that his motion was to transfer the funds from the General Fund into the General Fund Transfer Out line item.

Ms. Mackey requested Ms. Wilkerson to explain the difference between the two categories.

Ms. Wilkerson indicated a transfer out from the General Fund is money transferred from the General Fund to Victims' Assistance, the SRO Program, the Public Defender's Office, etc. The only way to provide the additional funds for Senior Resources would be from the unassigned General Fund balance.

Ms. McBride made a substitute motion to transfer \$163,346 from the unassigned General Fund balance to fund Senior Resources, seconded by Mr. Weaver.

Ms. Newton stated that she considers our fund balance our "rainy day" fund. Is that correct?

Assistant County Administrator Lori Thomas responded that this was correct. Although \$163,000 may not seem significant, as your expenditures grow, so does your required funding to cover your 20% minimum. With the additional \$163,000, based on FY24 expenditures, we will be just over the 20% level.

Ms. Newton stated for clarification, we will be close to our minimum fund balance level.

Ms. Thomas replied in the affirmative. To be specific, the additional expenditure of funds would leave \$1.6M to address any catastrophe the County may encounter in the fiscal year.

Ms. Barron stated that it appears that some people on this body have a challenge with how we fund non-profits. We identified specific organizations/non-profits that are priorities, and are our Community Partners. Senior Resources is one of them. We also know that entities similar to Senior Resources are funded differently across the country. She would like to say that if we feel that there is an organization like Senior Resources that we want to support in this manner and do so consistently, then we need to put those things in place.

Ms. Newton said from her perspective, the County set aside specific funds and a process to address Ms. Barron's point. She indicated there are opportunities to make different funding decisions in the Community Impact grant process. She noted many non-profits do not get funded \$500,000 from the County.

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

Opposed: Branham, Mackey, and Newton

The vote was in favor of the substitute motion.

Ms. Barron moved to approve the minutes as amended, seconded by Mr. Weaver.

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

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Ms. Terracio.

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

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Mackey acknowledged Dr. Craig Witherspoon, Richland School District I Superintendent; Dr. Aaron Bishop, Richland One School Board Chair; Mr. Jamie Devine, Richland One School Board Member; and Mr. David Adams, former Richland County Treasurer were in the audience.

6. **PRESENTATION OF PROCLAMATIONS**

- a. A Proclamation Recognizing June as National Safety Month – Ms. Mackey read the proclamation into the record.
- b. A Proclamation Recognizing June 20-26, 2024, as National Mosquito Control Awareness Week – Ms. English read the proclamation into the record.



- c. A Proclamation Recognizing June as LGBTQI+ Month – Communication Director Susan O’Cain read the proclamation into the record.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION (Pursuant to SC Code 30-4-70)** – County Attorney Patrick Wright noted the following item was eligible for Executive Session:

- a. Mid-Year Employee Performance Review [Pursuant to SC Code 30-4-70(a)(1)]

8. **CITIZENS’ INPUT**

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

9. **CITIZENS’ INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time) – No one signed up to speak.

10. **REPORT OF THE COUNTY ADMINISTRATOR** – No report was given.

11. **REPORT OF THE CLERK OF COUNCIL** – Ms. Anette Kirylo, Clerk to Council, reminded Council members that Council District 7 will be hosting their 3<sup>rd</sup> annual community walk on June 22<sup>nd</sup> at W. J. Keenan High School. Registration begins at 8:30 AM.

12. **REPORT OF THE CHAIR** – Chairwoman Jesica Mackey highlighted that tomorrow was Juneteenth and is a County holiday for staff.

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to Silver Hills Huger, LLC; and other related matters – No one signed up to speak.
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Schneider Electric, USA, Inc. (Project Charge) to provide for payment of a fee-in-lieu of taxes, authorizing certain infrastructure credits; and other related matters – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. Case #23-045MA, Raysa Sanchez, INS to R6 (.40 Acres), 1626 Horseshoe Drive, TMS # R17011-02-19 [THIRD READING]
- b. Case #24-008MA, Heather Bounds/Christina Tran, PDD to PDD (63.95 Acres), 1312 Crane Church Rd., 7639 Fairfield Rd. & Crane Church Rd., TMS # R09600-02-13, R09600-03-02, & R09600-03-03 [THIRD READING]
- c. Case #24-012MA, Jeff Ruble, Richland County Economic Development, HM to LI (5.15 Acres), 605 Blythewood Road, TMS # R15100-01-03 (portion) [THIRD READING]

Ms. Barron moved to approve Items 14(a) – 14(c), seconded by Mr. Pugh.

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

The vote in favor was unanimous.

Mr. Livingston moved to reconsider Items 14(a) – 14(c), seconded by Ms. Barron.

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

The motion for reconsideration failed.

15. **THIRD READING ITEMS**

- a. An Ordinance authorizing the levying of Ad Valorem property taxes which together with the prior year’s carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2024 will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2024 through June 30, 2025. So as to raise revenue, make appropriations and amend the General Fund, Millage Agencies, Special Revenue Funds, Enterprise Funds, and Debt Service Funds Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2024 and ending June 30, 2025

**MILLAGE AGENCIES**

1. *Recreation Commission (Approve the agency’s budget request for FY 2025; 2 mill increase to operating millage; Requesting mill cap of .6 mills plus 1.4 mills lookback; Offset by decreasing debt service millage by 2 mills for 1 year; \$19,743,400)*
2. *Columbia Area Mental Health (Approve the agency’s budget request at FY 2025 – No Mill Budget; \$3,017,923)*

**Regular Council Meeting Minutes  
June 18, 2024**

3. *Public Library (Approve the agency's budget request at FY 2025 – No Mill Budget; **\$34,505,365**)*
4. *Riverbanks Zoo and Gardens (Approve the agency's funding request for \$3,019,600 as follows: operating millage for FY 2025 set to fund \$1,517,888 in revenue, additional funding of \$1,501,712 to be funded by hospitality tax revenue; **\$1,517,888**)*
6. *Midlands Tech. College (Operating) (Approve the agency's budget request at FY 2025 – No Mill Budget; **\$8,321,255**)*
7. *Midlands Tech Capital/Debt Service (Approve the agency's budget at FY 2025 – No Mill Budget; **\$4,427,677**)*
8. *School District One (Approve the agency's budget request at FY 2025 – Mill Cap Budget; Originally requested: \$276,952,216; No mill budget = \$270,928,511; Mill cap budget = \$278,846,511; **\$270,928,511**)*
9. *School District Two (Approve the agency's budget request at FY 2025 – No Mill Budget; **\$193,918,258**)*

#### **GRANTS**

10. *Accommodations Tax (Approve A-Tax revenue projections; **\$640,000**)*
11. *Accommodations Tax (Approve A-Tax use of fund balance; **\$135,000**)*
12. *Accommodations Tax (Approve A-Tax transfer out; **\$25,000**)*
13. *Accommodations Tax (Approve A-Tax committee recommendations; **\$750,000**)*
14. *Hospitality Tax (Approve H-Tax revenue projections; **\$10,442,422**)*
15. *Hospitality Tax (Approve H-Tax use of fund balance; **\$3,555,182**)*
16. *Hospitality Tax (Approve H-Tax transfer out; **\$4,985,350**)*
17. *Hospitality Tax (Approve H-Tax committee recommendations; **\$600,000**)*
18. *Hospitality Tax (Approve H-Tax Council discretionary; \$82,425 for each council district; **\$906,675**)*
19. *Hospitality Tax (Approve funding for Columbia Museum of Art at the requested amount; Requested: \$1,450,000 – committee awarded: \$11,000; **\$1,438,200**)*
20. *Hospitality Tax (Approve funding for Historic Columbia Foundation at the requested amount; Requested: \$675,000 – committee awarded: \$8,333; Last year awarded: \$622,500; **\$666,667**)*
21. *Hospitality Tax (Approve funding for EdVenture at the requested amount; Requested: \$1,450,000 – committee awarded: \$20,000; **\$1,430,000**)*
22. *Hospitality Tax (Approve funding for Township Auditorium Foundation at the requested amount; Requested: \$415,000 – committee awarded \$6,250; **\$408,750**)*
23. *Hospitality Tax (Approve funding for Capital City Lake Murray Country; Requested: \$200,000 – committee awarded: \$40,000; **\$160,000**)*
24. *Hospitality Tax (Approve funding for Columbia Metro Convention & Visitors Bureau; Requested: \$500,000 – committee awarded: \$28,750; **\$471,250**)*
25. *Hospitality Tax (Approve funding for Columbia International Festival; Requested: \$300,000 – committee awarded: \$25,000; **\$275,000**)*
26. *Hospitality Tax (Approve funding for South East Rural Community Outreach (SERCO); Requested: \$120,000 – committee awarded: \$0; **\$90,000**)*
27. *Hospitality Tax (Approve carry over any unexpended funds from the Gateway Pocket Park/Blight Removal Project to FY 2025 budget; **\$250,000**)*
28. *Hospitality Tax (Approve carry over any unexpended funds from the Historical Corridor to FY 2025 budget; **\$228,105**)*
29. *Hospitality Tax (Approve funding of \$1,000,000 to complete the Township Auditorium parking lot project; \$1,800,000 funded through assigned capital fund balance, need an additional \$1,000,000 to complete the project; **\$1,000,000**)*
30. *Hospitality Tax (Approve \$20,000 in funding to the Lower Richland Sweet Potato Festival for their annual festival in FY 2025; Committee awarded \$20,000; increase use of fund balance by \$20,000; **\$20,000**)*

31. *Hospitality Tax (Approve \$44,000 in funding to Latino Communications CDC in FY 2025; Committee awarded \$6,000; Funding at \$50,000 would increase the use of fund balance by \$44,000; **\$44,000**)*
32. *Hospitality Tax (Approve funding the Riverbanks Zoo at \$1,501,712 from hospitality tax fund balance; Requested: \$3,019,600; the remaining would come from .7 mills; **\$1,501,712**)*
34. *Hospitality Tax (Approve carrying over up to \$300,000 of unexpended hospitality tax funds from each Councilmember District to FY 2025 budget)*
35. *Neighborhood Redevelopment (Approve neighborhood improvement grant recommendations; **\$92,250**)*
36. *Conservation Commission (Approve Conservation Commission grant recommendations; **\$250,000**)*
37. *Various Grant Funded Depts. (Approve department requests that are applying for external grants in FY 2025, required matching of County funds, and grant-funded positions; Departments requesting approval of applying for various grants. Potential total external incoming revenue of \$120,462,281 and associated matching of County funds: \$1,376,474 in General Fund, \$11,856,490 in Other Funds [Excludes ARPA funding, since previously approved]; **\$133,695,245**)*

#### **GENERAL FUND**

38. *County-wide Departments (Approve Projected Operating General Fund Revenue as presented in the FY 2025 Recommended Budget Book, including sufficient operating millage to achieve \$131,340,500 in property tax collections; **\$216,959,183**)*
39. *County-wide Departments (Approve General Fund Transfers In from H-Tax and A-Tax Funds as presented in the FY 2025 Recommended Budget Book; **\$3,525,000**)*
40. *Administration (Approve allocation of indirect cost to special revenue and enterprise fund departments as presented at the May 9, 2024 work session; **\$4,761,209**)*
41. *Planning (Approve refining and redesigning the Land Development Fee schedule as presented by Richland County's Planning Department; The new land development fee schedule was presented by Ms. Fuller during the Budget Work Session on May 14, 2024)*
42. *County-wide Departments (Approve Projected Use of General Fund Assigned Fund Balance to support Capital project expenditure as presented in the FY 2025 Recommended Budget Book; **\$6,225,000**)*
43. *County-wide Departments (Approve continued funding for step increase according to the compensation study implemented in FY 2024; **\$2,184,948**)*
44. *County-wide Departments (Approve all general fund new positions as presented at the May 14, 2024 work session starting January 1, 2025; **\$283,801**)*
45. *Solicitor & Council Services (Approve the Solicitor's request for a new public information coordinator starting January 1, 2025 in lieu of the public policy new position in Council Services; Position grades are very similar. No budgetary impact if starting January 1, 2025)*
46. *County-wide Departments (Approve General Fund Overall Personnel, Operating and Capital Expenditures as presented in the FY 2025 Recommended Budget Book; **\$213,881,834**)*
47. *Transfer Out (Approve General Fund Operating Transfers Out as presented in the FY 2025 Recommended Budget Book; **\$15,119,809**)*
48. *Lump Sum Agencies (Approve funding the Central Midlands COG for FY 2025; **\$219,380**)*
49. *Lum Sum Agencies (Approve funding of LRADAC for FY 2025; **\$1,350,000**)*

Ms. Barron moved to approve Items #1-#49, #51-#75, and #77-#94, seconded by Mr. Pugh.

Ms. Terracio requested Ms. Barron separate her motion into small sections.

Ms. Barron accepted the request. She noted that we discussed the school districts and their funding. She acknowledged the need to ensure that teachers are adequately compensated and that the children get what they need. However, this is where we have to meet in the middle. Hopefully, we will be able to find additional ways to support the school districts.

Mr. Weaver stated for clarification, we are approving the items as approved on the 2<sup>nd</sup> Reading.

Ms. Mackey responded in the affirmative.

Ms. McBride stated that concerning Item 4 (Riverbanks Zoo and Gardens), we are on a slippery road because hospitality tax funds are to be used for specific things, and administrative costs are not one. In her opinion, it is like supplanting funds set aside to help businesses bring in tourism, and we are taking over \$1M from them. Regarding Item 8 (School District One), Council received a letter stating there would be an adverse impact on teachers' salary increases if they were not funded at the millage cap. As a former educator, she has never voted against teachers' salaries and will not be voting against it now. She inquired if there was a way to break out the funding for the teachers' salaries.

The Auditor, Paul Brawley, replied that to do that, he would need to know the dollar amount so we could apply the millage rate to it.

Ms. McBride asked Mr. Brown if there were a way for us to make a statement saying we would take another look at the millage rate to assist with the teachers' salaries.

Mr. Brown stated he understood the spirit of Ms. McBride's request, but there would have to be a decision on what you want to fund, and at what level. There would have to be a specific number associated with the motion.

Ms. Thomas noted Item #5 failed at 2<sup>nd</sup> Reading; therefore, it would need to be excluded from the motion.

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

Opposed: McBride

The vote was in favor of Items #1-#4 and #6-#49.

50. *Community Impact Grants (Approve community impact grant community partners request; Requested: \$1,201,546 – committee recommended: \$988,200; **\$988,200**)*

Ms. Mackey moved to approve Item #50, seconded by Ms. Newton.

Ms. Barron inquired if this item would include the amounts approved by the Community Impact Committee.

Ms. Mackey responded in the affirmative.

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

Opposed: McBride

The vote was in favor.

51. *Community Impact Grants (Approve community impact grant committee competitive recommendations; Committee awarded \$658,800; **\$658,800**)*

52. *Community Impact Grants (Approve funding for Senior Resources at the requested amount; Requested: \$548,046 – Committee recommended: \$387,700; Requires use of fund balance or decreasing funding levels of other organizations; **\$163,346**)*

53. *Lump Sum Agencies (Approve funding for the Main Street District at the requested amount; Requested: \$50,000; **\$50,000**)*

54. *County-wide Departments (Adjust and approve Projected Use of General Fund Balance to support overall General Fund expenditures as necessary)*

55. *Non-Departmental (Approve assigning \$4,000,000 of unexpended FY24 funding for affordable housing in FY25; **\$4,000,000**)*

#### **SPECIAL REVENUE FUNDS**

56. *Economic Development (Approve revenue and expenditure budget of Economic Development; **\$8,957,203**)*

57. *Emergency Telephone System (Approve revenue and expenditure budget of Emergency Telephone System; **\$7,783,549**)*

58. *Fire Service (Approve revenue and expenditure budget of Fire Services; **\$36,851,850**)*

59. *Hospitality Tax (Approve revenue and expenditure budget of Hospitality Tax; **\$13,997,604**)*

60. *Accommodations Tax (Approve revenue and expenditure budget of Accommodations Tax; **\$775,000**)*

**Regular Council Meeting Minutes**

**June 18, 2024**

61. *Transportation Tax (Approve revenue and expenditure budget of Transportation Tax; \$96,682,144)*
62. *Mass Transit (Approve revenue and expenditure budget of Mass Transit; \$27,198,375)*
63. *Neighborhood Redevelopment (Approve revenue and expenditure budget of Neighborhood Redevelopment; \$994,000)*
64. *Public Defender (Approve revenue and expenditure budget of Public Defender; \$6,646,727)*
65. *Title IVD-Sheriff's Fund (Approve revenue and expenditure budget of Title IVD-Sheriff's Fund; \$67,824)*
66. *Title IV-Family Court (Approve revenue and expenditure budget of Title IV-Family Court; \$1,425,716)*
67. *School Resource Officers (Approve revenue and expenditure budget of School Resource Officers; \$8,560,752)*
68. *Victim's Assistance (Approve revenue and expenditure budget of Victim's Assistance; \$1,407,504)*
69. *Tourism Development (Approve revenue and expenditure budget of Tourism Development; \$1,332,000)*
70. *Tourism Development (Approve funding the Columbia Metropolitan Convention Center at FY2024 level; \$637,359)*
71. *Temporary Alcohol Permits (Approve revenue and expenditure budget of Temporary Alcohol Permits; \$126,947)*
72. *Stormwater Management (Approve revenue and expenditure budget of Stormwater Management; \$4,277,541)*
73. *Conservation Commission (Approve revenue and expenditure budget of Conservation Commission; \$2,608,552)*
74. *Road Maintenance (Approve revenue and expenditure budget of Road Maintenance; \$12,042,077)*
75. *Child Fatality Review (Approve revenue and expenditure budget of Child Fatality Review; \$35,000)*

Ms. Barron moved to approve Items #51-#75, seconded by Mr. Pugh.

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

Opposed: McBride

The vote was in favor of Items #51-#75.

76. *Temporary Alcohol Permits (Approve funding for River Alliance for FY 2025; This expenditure is budgeted in Temporary Alcohol Permits Fund; Last year funding was \$55,000; Increase to \$70,000 would require a \$15,000 use of fund balance; \$70,000)*

Ms. Mackey moved to approve #76 in the amount of \$170,000, seconded by Mr. Branham.

Ms. Terracio stated for clarification, the funds would be coming from the Temporary Alcohol Permits fund balance.

Ms. Newton noted what was listed in the packet was \$70,000, not \$170,000.

Ms. Mackey stated the additional \$100,000 is a one-time request to help with a joint municipal collaboration to market the river.

Ms. Newton inquired about how much the fund balance is for Temporary Alcohol Permits.

Ms. Wilkerson replied that as of June 30, 2023, the fund balance was \$592,438.

Ms. McBride inquired if this was a last-minute request.

Ms. Mackey responded it was not a last-minute request.

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

The vote in favor was unanimous.

77. *County-wide Departments (Approve Other Fund New Positions as presented in the FY 2025 Recommended Budget Book except the Administrative Coordinator for the airport; \$286,041)*

## DEBT SERVICE

- 78. *General Obligation Debt Service (Appropriate funding to fund debt service; **\$18,721,888**)*
- 79. *Fire Bonds Debt Service (Appropriate funding to fund debt service; **\$555,000**)*
- 80. *Hospitality Refund 2013A B/S (Special Assessment) (Appropriate funding to fund debt service; **\$1,486,963**)*
- 81. *RC IP Bonds 2019 (Appropriate funding to fund debt service; **\$1,605,577**)*
- 82. *School District I Debt Service (Appropriate funding to fund debt service; **\$44,442,462**)*
- 83. *School District II Debt Service (Appropriate funding to fund debt service; **\$69,127,795**)*
- 84. *Recreation Commission (Appropriate funding to fund debt service; **\$458,016**)*
- 85. *Riverbanks Zoo & Garden (Appropriate funding to fund debt service; **\$2,670,190**)*
- 86. *East Richland Public Service Dist. (Sewer) (Appropriate funding to fund debt service **\$1,438,560**)*
- 87. *Transportation Bonds (Appropriate funding to fund debt service; **\$14,434,250**)*

## CAPITAL IMPROVEMENT PLAN

- 88. *Capital Projects (Approve multi-year comprehensive capital improvement plan as presented in the FY 2025 Recommended Budget Book [FY 2025 – FY 2026]; **\$256,035,036**)*

## ENTERPRISE

- 89. *Solid Waste Enterprise Fund (Approve 4.75% increase in the Landfill's rate schedule for FY 2025 as presented by the Department in the Council Budget Work Session on May 9, 2024; **\$1,254,490**)*
- 90. *Solid Waste Enterprise Fund (Approve Mill Cap budget for Landfill; **\$7,957,000**)*
- 91. *Solid Waste Enterprise Fund (Approve 4.75% increase in Curbside Collector's rate schedule for FY 2025 as presented by the Department in the Council Budget Work Session on May 9, 2024; **\$36,401,191**)*
- 92. *Solid Waste Enterprise Fund (Approve funding for Solid Waste's total budget; **\$45,612,681**)*
- 93. *Solid Waste Enterprise Fund (Approve funding for Keep Midlands Beautiful; **\$42,900**)*
- 94. *Richland County Utilities (Approve proposed 10% volumetric water rate increases and fee schedule presented by Richland County Utilities in the Council Budget Work Session on May 9, 2024; **\$264,138**)*

Ms. Barron moved to approve Items #77-#94, seconded by Mr. Pugh.

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

The vote in favor was unanimous.

- 95. *Richland County Utilities (Approve proposed 4% sewer rate increase and fee schedule presented by Richland County Utilities in the Council Budget Work Session on May 9, 2024; **\$14,751,760**)*
- 96. *Richland County Utilities (Approve use of fund balance of \$10,000,000 for paygo capital projects as presented by Richland County Utilities in the Council Budget Work Session on May 9, 2024; **\$10,000,000**)*

Mr. Pugh moved to approve Items #95 and #96, seconded by Mr. Weaver.

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

Opposed: Newton

The vote was in favor.

- 97. *Richland County Utilities (Approve funding for Richland County Utilities total budget; **\$25,015,898**)*
- 98. *Hamilton-Owens Airport Operating (Approve funding for Richland County Airport budget; **\$268,000**)*
- 99. *Hamilton-Owens Airport Operating (Approve use of fund balance of \$191,361 as presented by the Hamilton-Owens Airport in the Council Budget Work Session on May 9, 2024; **\$365,330**)*



Ms. Barron moved to approve Items #95-#100, seconded by Ms. Terracio.

Ms. Newton requested to pull out Items #95 and #96.

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

The vote in favor was unanimous to approve Items #97-#100.

Ms. Barron moved to reconsider Item 15(a), seconded by Ms. Terracio.

In Favor: McBride

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

The motion for reconsideration failed.

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

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

Not Present: Walker

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Schneider Electric USA, Inc. (Project Charge) to provide for payment of a fee-in-lieu of taxes, authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved to approve this item, seconded by Ms. Barron.

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

Not Present: Walker

The vote in favor was unanimous.

Ms. Barron moved to reconsider Items 15(b) and (c), seconded by Mr. Branham.

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

Not Present: Walker

The motion for reconsideration failed.

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

- a. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Commodore; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Walker

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Commodore to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING] – Mr. Livingston state the committee recommended approval of this item.

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

Not Present: Walker

The vote in favor was unanimous.

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

- a. NOTIFICATION OF APPOINTMENTS

1. *Central Midlands Council of Governments – Three (3) Vacancies* – Ms. Barron stated the committee recommends appointing Mr. Chase Clelland, Mr. David Adams, and Mr. Curtis Singleton.

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

Not Present: Walker

The vote in favor was unanimous.

2. *Community Relations Council – Six (6) Vacancies* – Ms. Barron stated the committee recommends appointing Ms. Lorrie Floyd-Gregory, Dr. Teresa Holmes, and Mr. Sabastian Guthrie.

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

Not Present: Walker

The vote in favor was unanimous.

b. **NOTIFICATION OF VACANCIES**

1. *Accommodations Tax Committee – Three (3) Vacancies (ONE applicant must have a background in the lodging industry, ONE applicant must have a background in the hospitality industry, and ONE applicant must have a cultural background)*
2. *Board of Assessment Appeals Board – One (1) Vacancy*
3. *Board of Zoning Appeals – One (1) Vacancy*
4. *Building Codes Board of Appeals – Seven (7) Vacancies (ONE applicant must be from the Architecture Industry, ONE applicant must be from the Gas Industry, ONE applicant must be from the Contracting Industry, ONE applicant must be from the Plumbing Industry, ONE applicant must be from the Electrical Industry, and TWO applicants must be from Fire Industry as alternates)*
5. *Business Service Center Appeals Board – Three (3) Vacancies (ONE applicant must be from the Business Industry and TWO applicants must be CPAs)*
6. *Community Relations Council – Three (3) Vacancies*
7. *Employee Grievance Committee – One (1) Vacancy (Applicant must be a Richland County Government employee)*
8. *Hospitality Tax Committee – Four (4) Vacancies (TWO applicants must be from the Restaurant Industry)*
9. *Midlands Workforce Development Board – One (1) Vacancy (Education & Training Position)*
10. *Township Auditorium – One (1) Vacancy*

Ms. Barron stated the committee recommends advertising the above-referenced vacancies.

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

Not Present: Walker

The vote in favor was unanimous.

18. **OTHER ITEMS**

- a. **FY24 – District 11 Hospitality Tax Allocations (Riverbanks Zoo - \$10,000)** – Mr. Pugh moved to approve this item, seconded by Ms. Barron.

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

Not Present: Walker

The vote in favor was unanimous.

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

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

Not Present: Walker

The motion for reconsideration failed.

19. **EXECUTIVE SESSION**

Mr. Livingston moved to go into Executive Session, seconded by Ms. English.

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

Not Present: Walker

The vote in favor was unanimous.

***Council went into Executive Session at approximately 7:26 PM  
and came out at approximately 7:52 PM***

Ms. Barron moved to come out of Executive Session, seconded by Mr. Livingston.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

Ms. Mackey indicated council entered into executive session and no action was taken in Executive Session.

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

21. **ADJOURNMENT** – Mr. Pugh moved to adjourn the meeting, seconded by Ms. Barron.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 7:53 PM.



Richland County Council  
Zoning Public Hearing  
**MINUTES**  
June 25, 2024 – 7:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Jessica Mackey, Chair; Derrek Pugh, Vice-Chair; Jason Branham, Yvonne McBride, Paul Livingston, Allison Terracio, Don Weaver, Gretchen Barron, and Cheryl English

NOT PRESENT: Overture Walker and Chakisse Newton

OTHERS PRESENT: Geo Price, Angela Weathersby, Anette Kirylo, Michelle Onley, Tina Davis-Gooden, Jackie Hancock, Tommy DeLage, Aric Jensen, Leonardo Brown, and Kyle Holsclaw

1. **CALL TO ORDER** – Chairwoman Jessica Mackey called the meeting to order at approximately 7:00 PM.
2. **ADDITIONS/DELETIONS TO THE AGENDA** – There were no additions or deletions to the agenda.
3. **ADOPTION OF AGENDA** – Ms. Barron requested to defer Case # 24-007MA to the September Zoning Public Hearing.

Mr. Pugh requested to defer Case # 24-004MA to the July Zoning Public Hearing.

Mr. Branham requested to defer Case # 24-014MA to the July Zoning Public Hearing.

Ms. Mackey moved to adopt the agenda as amended, seconded by Ms. English.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

4. **OPEN PUBLIC HEARING**

a. **MAP AMENDMENTS [ACTION]**

1. **Case # 24-004MA**

John T. Bakhaus  
RT to GC (1.16 Acres)  
10336 Wilson Blvd.  
TMS # R14900-03-01  
[District 2 – PUGH] [FIRST READING]

This item was deferred to the July Zoning Public Hearing.

2. **Case #23-007MA**

Gunil G. Kim  
R3 to GC (.24 Acres)  
105 Weir Road  
TMS # R19902-02-07  
[District 7 – BARRON] [FIRST READING]

This item was deferred to the September Zoning Public Hearing.

3. **Case #24-009MA**

Aaron Breedon  
HM to GC (9.18 Acres)  
E/S Hard Scrabble Road  
TMS #R20300-03-02  
[District 8 – WALKER] [FIRST READING]

Ms. Mackey opened the floor to the public hearing.

Mr. Jake Simcoe, 459 Thoroughbred Drive, Cleveland, TN 37312, spoke in favor of the re-zoning request.

The floor to the public hearing was closed.

Ms. English moved to approve the re-zoning request, seconded by Mr. Pugh.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

4. **Case #24-011MA**  
Denise Lawson  
RT to GC (.69 Acres)  
1710 Dutch Fork Road  
TMS #R02408-02-03  
[District 1 – BRANHAM] [FIRST READING]

Ms. Mackey opened the floor to the public hearing.

The applicant chose not to speak.

The floor to the public hearing was closed.

Mr. Branham moved to approve the re-zoning request, seconded by Ms. Barron.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

5. **Case #24-014MA**  
Erik Norton  
RT to MUI (2.60 Acres)  
1301 Three Dog Road & E/S Dutch Fork Road  
TMS #R01507-02-03 & R01507-02-04  
[District 1 – BRANHAM] [FIRST READING]

This item was deferred to the July Zoning Public Hearing.

6. **Case #24-015MA**  
Megan Newbold  
GC to MU3 (1.53 Acres)  
3003 Two Notch Road  
TMS #R11613-02-02  
[District 3] [FIRST READING]

Ms. Mackey opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. McBride moved to approve the re-zoning request, seconded by Mr. Pugh.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

7. **Case #24-016MA**  
Phillip Bradley  
R3 to R5 (21.24 Acres)  
S/E Rabon Road  
TMS #R17112-01-01 (portion)  
[District 7] [FIRST READING]

Ms. Mackey opened the floor to the public hearing.

The applicant, Phillip Bradley, 405 Western Lane, Irmo, SC 29063, spoke in favor of the re-zoning request.

The floor to the public hearing was closed.

Ms. Barron moved to approve the re-zoning request, seconded by Ms. English.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

6. **ADJOURNMENT** – Ms. Barron moved to adjourn the meeting, seconded by Mr. Livingston.

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

Not Present: Walker and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 7:11 PM.



## Richland County Council Request for Action

**Subject:**

Case # 24-009MA  
Aaron Breeden  
HM to GC (9.18 Acres)  
E/S Hard Scrabble Road  
TMS # R20300-03-02

**Notes:**

First Reading: June 25, 2024  
Second Reading:  
Third Reading:  
Public Hearing: June 25, 2024

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-24HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # R20300-03-02 FROM HOMESTEAD DISTRICT (HM) TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R20300-03-02 from Homestead District (HM) to General Commercial District (GC).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024

\_\_\_\_\_  
Anette A. Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

Public Hearing:	June 25, 2024
First Reading:	June 25, 2024
Second Reading:	July 2, 2024
Third Reading:	July 16, 2024

## Richland County Council Request for Action

**Subject:**

Case # 24-011MA  
Denise Lawson  
RT to GC (0.69 Acres)  
1710 Dutch Fork Road  
TMS # R02408-02-03

**Notes:**

First Reading: June 25, 2024  
Second Reading:  
Third Reading:  
Public Hearing: June 25, 2024

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-24HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # R02408-02-03 FROM RESIDENTIAL TRANSITION DISTRICT (RT) TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R02408-02-03 from Residential Transition District (RT) to General Commercial District (GC).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024

\_\_\_\_\_  
Anette A. Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:	June 25, 2024
First Reading:	June 25, 2024
Second Reading:	July 2, 2024
Third Reading:	July 16, 2024

## Richland County Council Request for Action

**Subject:**

Case # 24-015MA  
Megan Newbold  
GC to MU3 (1.53 Acres)  
3003 Two Notch Road  
TMS # R11613-02-02

**Notes:**

First Reading: June 25, 2024  
Second Reading:  
Third Reading:  
Public Hearing: June 25, 2024

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-24HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # R11613-02-02 FROM GENERAL COMMERCIAL DISTRICT (GC) TO COMMUNITY MIXED-USE DISTRICT (MU3); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R11613-02-02 from General Commercial District (GC) to Community Mixed-Use District (MU3).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024

\_\_\_\_\_  
Anette A. Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:	June 25, 2024
First Reading:	June 25, 2024
Second Reading:	July 2, 2024
Third Reading:	July 16, 2024



## Richland County Council Request for Action

**Subject:**

Case # 24-016MA  
Phillip Bradley  
R3 to R5 (21.24 Acres)  
S/E Rabon Road  
TMS # R17112-01-01 (portion of)

**Notes:**

First Reading: June 25, 2024  
Second Reading:  
Third Reading:  
Public Hearing: June 25, 2024

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-24HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # R17112-01-01 (PORTION OF) FROM RESIDENTIAL THREE DISTRICT (R3) TO RESIDENTIAL FIVE DISTRICT (R5); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R17112-01-01 (portion of) from Residential Three District (R3) to Residential Five District (R5).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024

\_\_\_\_\_  
Anette A. Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

Public Hearing:	June 25, 2024
First Reading:	June 25, 2024
Second Reading:	July 2, 2024
Third Reading:	July 16, 2024

## Richland County Council Request for Action

**Subject:**

An Ordinance Authorizing an easement to the City of Columbia for a sanitary sewer main located at 1871 Omarest Drive, Richland County TMS #07415-01-01(p)

**Notes:**

June 25, 2024 – The Development & Services Committee recommends providing an easement to the City of Columbia for the installation of a new sanitary sewer line on Richland County property located at 1871 Omarest, tax map number R07415-01-01. This recommendation is contingent on the construction schedule and road repair approved by the County.

First Reading:

Second Reading:

Third Reading:

Public Hearing:



### Agenda Briefing

Prepared by:	Shirani W Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	May 31, 2024	Meeting Date:	June 25, 2024
Legal Review	Patrick Wright via email	Date:	June 13, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 10, 2024
Finance Review	Stacey Hamm via email	Date:	June 7, 2024
Approved for consideration:		County Administrator	Leonardo Brown, MBA, CPM
Meeting/Committee	Development & Services		
Subject	City of Columbia - Sanitary Sewer Easement Request at 1871 Omarest Dr		

#### RECOMMENDED/REQUESTED ACTION:

Staff recommends providing an easement to the City of Columbia for the installation of a new sanitary sewer line on Richland County property located at 1871 Omarest, tax map number R07415-01-01. This recommendation is contingent on the construction schedule and road repair approved by the County.

Request for Council Reconsideration: ☒ Yes

#### FIDUCIARY:

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

#### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to the County.

#### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

There are no legal concerns regarding this matter.

#### REGULATORY COMPLIANCE:

Not applicable.

#### MOTION OF ORIGIN:

There is no associated Council motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

The City of Columbia sanitary sewer department is requesting an exclusive 25-foot easement and a non-exclusive 25-foot access easement with a 10-foot temporary easement for construction purposes as shown on the attached exhibit prepared by Stantec Consulting. The easement will extend along the eastern property boundary of the County owned parcel R07415-01-01. The request for another easement is to install a parallel sewer line to increase capacity.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

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

#### ADDITIONAL COMMENTS FOR CONSIDERATION:

To reduce interruption to the on-site row club that utilizes this property, the construction period is restricted to July and August. The new sewer line will require the closing of the access road through the property. This access will not be closed or excavated until June 30, 2024. The replacement of the access road will be 18-feet wide with 6 inches of crushed aggregate base and open to users by September 15, 2024.

#### ATTACHMENTS:

1. Easement Document
2. Easement Exhibit
3. Aerial Map
4. Ordinance

STATE OF SOUTH CAROLINA )

EASEMENT

COUNTY OF RICHLAND )

For and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, **RICHLAND COUNTY** (also hereinafter referred to as “Grantor”) does hereby grant unto the said **CITY OF COLUMBIA** (also hereinafter referred to as “Grantee”), its successors and assigns (I) a permanent, exclusive easement, **twenty-five (25) feet in width**, (II) a permanent, non-exclusive access easement, **twenty-five (25) feet in width**, also a 10’ temporary easement for construction purpose only, and with the right of access, ingress and egress at all times for the purpose of constructing, operating, reconstructing and maintaining a **sanitary sewer main**, and with the right to remove shrubbery, trees and other growth from the easement area and any trees which must be removed shall be moved from the premises and any damages that are incurred due to the performance of work by the City of Columbia shall be restored to as nearly as practicable to the original condition upon completion of the construction, said easement to run through the property which Grantor owns or in which Grantor has an interest, situate, lying and being

In the State of South Carolina, County of Richland, in the City of Columbia, located on the southwestern side of the Broad River, Columbia, SC 29212 and being further identified as a portion of Richland County tax map number 07415-01-01, as shown on tax maps prepared by the Office of the Richland County Tax Assessor, 2022 Edition.

A permanent, exclusive easement for a sanitary sewer main, twenty-five (25) feet in width; beginning on the southeastern property line of the subject property at the southwestern boundary of an existing 25’ City of Columbia Sanitary Sewer Easement (CF#60-35) at a point seventy-six and thirty-five hundredths (76.35) feet southwest of the southeastern property corner of the subject property and extending therefrom N08°32’16.54”W along the subject property and adjacent to the southwestern boundary of the aforesaid 25’ City Sewer Easement, for a distance of ninety-four and twenty-six hundredths (94.26) feet to a point; thence turning and extending therefrom N13°50’55.42”W along the subject property and adjacent to the southwestern boundary of the aforesaid 25’ City Sewer Easement, for a distance of four hundred forty-four and sixty-eight hundredths (444.68) feet to a point; thence turning and extending therefrom N25°59’08.15”W along the subject property and adjacent to the southwestern boundary of the aforesaid 25’ City Sewer Easement, for a distance of two hundred ninety-one and forty-eight hundredths (291.48) feet to a point; thence turning and extending therefrom N12°09’41.90”W along the subject property and adjacent to the southwestern boundary of the aforesaid 25’ City Sewer Easement, for a distance of two hundred thirty-two and eight hundredths (232.08) feet to a point; thence turning and extending therefrom N12°57’18.79”W along the subject property and adjacent to the



northwestern boundary of the aforesaid 25' City Sewer Easement, for a distance of three hundred three and one hundredth (303.01) feet to a point; thence turning and extending therefrom N13°15'09.59"W along the subject property and adjacent to the southwestern boundary of the aforesaid 25' City Sewer Easement, for a distance of two hundred seventy-eight and eighty-one hundredths (278.81) feet to a point; thence turning and extending therefrom N17°50'18.00"W along the subject property and adjacent to the northwestern boundary of the aforesaid 25' City Sewer Easement, for a distance of seventy-eight and eleven hundredths (78.11) feet to a point to intersect the northwestern property line of the subject property; thence turning and extending therefrom S81°50'57.26"W along the northwestern property line of the subject property, for a distance of twenty-five and thirty-six hundredths (25.36) feet to a point; thence turning and extending therefrom S17°50'18.00"E along the subject property, for a distance of eighty-one and thirty-seven hundredths (81.37) feet to a point; thence turning and extending therefrom S13°15'09.59"E along the subject property, for a distance of two hundred seventy-seven and seventy-four hundredths (277.74) feet to a point; thence turning and extending therefrom S12°57'18.79"E along the subject property, for a distance of three hundred two and seventy-seven hundredths (302.77) feet to a point; thence turning and extending therefrom S12°09'41.90"E along the subject property, for a distance of two hundred thirty-four and ninety-four hundredths (234.94) feet to a point; thence turning and extending therefrom S25°59'08.15"E along the subject property, for a distance of two hundred ninety-one and eighty-five hundredths (291.85) feet to a point; thence turning and extending therefrom S13°50'55.42"E along the subject property, for a distance of four hundred forty and eighty-seven hundredths (440.87) feet to a point; thence turning and extending therefrom S08°32'16.54"E along the subject property, for a distance of ninety-five and eighty-nine hundredths (95.89) feet to intersect the southeastern property line of the subject property; thence turning and extending therefrom N75°04'59.80"E along the southeastern property line of the subject property, for a distance of twenty-five and sixteen hundredths (25.16) feet to a point, also being the point of beginning; thence terminating. Be all measurements a little more or less.

A permanent, non-exclusive access easement for access to a sanitary sewer main, twenty-five (25') feet in width; beginning on the subject property at a point one hundred one and ninety-seven hundredths (101.97) feet southwest of the southeastern property corner of the subject property and extending therefrom N08°32'16.54"W along the subject property, for a distance of twenty-five and twenty-two hundredths (25.22) feet to a point; thence turning and extending therefrom S73°56'45.73"W along the subject property, for a distance of one hundred forty-five and eighty-eight hundredths (145.88) feet to intersect the southwestern property line of the subject property and the northeastern right-of-way of Omarest Drive cul-de-sac (Richland County); thence turning and extending therefrom in a southeasterly curvilinear direction along the southwestern property line of the subject property and the northeastern right-of-way of Omarest Drive cul-de-sac, for a distance of forty and twenty-three hundredths (40.23) feet to a point; thence turning and extending therefrom N73°56'45.73"E along the subject property, for a distance of one

hundred twelve and forty-five hundredths (112.45) feet to a point, also being the point of beginning; thence terminating, Be all measurements a little more or less.

Also, a 10' temporary construction easement as more clearly shown on the attached Exhibit "A". Said temporary construction easement shall expire upon completion of this project, subject to resurrection upon circumstances posing a danger to health and safety.

This easement being more clearly shown and delineated on an easement drawing for Broad River Sanitary Sewer Force Main Replacement and Gravity Sewer Capacity Improvements, Phase 2, CIP Project #SS7589-02, drawings 2A and 2B of 7, dated March 23, 2022, prepared by Stantec Consulting Service, Inc. for the City of Columbia, South Carolina, and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under City file reference #250-544.

A copy of said easement drawings being attached hereto and made a part hereof as Exhibit "A".

(VAL)  
EASEMENT #2 of 7

**(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)**



TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor’s successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_day of \_\_\_\_\_, 2022.

**RICHLAND COUNTY**

\_\_\_\_\_  
(Witness #1 Signature)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Witness #2 Signature)

Name: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_  
(Print Title)

STATE OF SOUTH CAROLINA    )  
COUNTY OF RICHLAND        )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_  
(Name & Title of Officer)

of \_\_\_\_\_ on behalf of the within-named Grantor.  
(City & State)

\_\_\_\_\_  
(Notary’s Signature)

NOTARY PUBLIC FOR: \_\_\_\_\_  
(State)

MY COMMISSION EXPIRES: \_\_\_\_\_  
(Date)

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_ does hereby certify that I supervised the execution of the attached Easement for CIP#SS7589-02 Phase 2, Broad River Sanitary Sewer Force Main Replacement and Gravity Sewer Capacity Improvements, with Richland County, as Grantor and the City of Columbia, as Grantee this \_\_\_\_\_day of \_\_\_\_\_, 2022.

\_\_\_\_\_ State Bar Number \_\_\_\_\_  
( SIGNATURE )

- DEED BOOK D597 PAGE 348.
- HORIZONTAL COORDINATES (NAD 83) AND ELEVATIONS (NAVD 88) BASED ON SC VRS NETWORK.
- RICHLAND COUNTY TAX MAP SHEET R07415; 2022 EDITION.
- DRAWING BASED ON COMPILATIONS ONLY. NO BOUNDARY SURVEY PERFORMED.

This map shows the Broad River area. A thick black line indicates the proposed site, which runs along the river. The site is divided into two sections, 2A and 2B, by a dashed line. The river is labeled "BROAD RIVER". Several roads are shown: "ROMAIN DR" to the west, "COLLEGE DR" to the south, and "ONQUEST DR" to the east. A north arrow is located in the upper left corner. The text "Attachment 2" is written in red in the upper right corner.

LOCATION MAP  
SCALE: 1" = 1,000'



N/F  
SOLE ORIENTE, LLC.  
TMS#R07411-03-08

IRON PIPE/PIN FOUND

1.6

10' TEMPORARY  
CONSTRUCTION  
EASEMENT

L11-

25' PERMANENT  
EXCLUSIVE CITY OF  
COLUMBIA SANITARY  
SEWER EASEMENT

25' EXISTING CITY OF  
— COLUMBIA SEWER  
EASEMENT (CF#60-35)

**BROAD RIVER**

Line Table		
Line #	Length	Direction
L1	25.18	N70° 55' 34.97"E
L2	232.08	N12° 09' 41.90"W
L3	303.01	N12° 57' 18.79"W
L4	278.81	N13° 15' 09.59"W
L5	78.11	N17° 50' 18.00"W
L6	25.36	S81° 50' 57.26"W
L7	81.37	S17° 50' 18.00"E
L8	277.74	S13° 15' 09.59"E
L9	302.77	S12° 57' 18.79"E
L10	234.94	S12° 09' 41.90"E
L11	575.84	S75° 31' 14.31"W

L11 IS A TIE POINT

**MATCHLINE EXHIBIT 2B**

SCALE: 1" = 100'



RICHLAND COUNTY TMS# R07415-01-01  
OWNER: RICHLAND COUNTY  
ADDRESS: PO BOX 192  
COLUMBIA, SC 29202

EASEMENT EXHIBIT

CITY OF COLUMBIA  
DEPARTMENT OF ENGINEERING  
COLUMBIA, SOUTH CAROLINA

SCALE: 1" = 100'

PREPARED BY  
STANTEC CONSULTING SERVICES, INC.  
SURVEYED BY  
CHAO AND ASSOCIATES, INC.  
CONSULTING ENGINEERS & SURVEYORS

DRAWN BY:  
KWR

DATE: 3/23/2022

PROJECT NAME

**BROAD RIVER SANITARY SEWER FORCE MAIN REPLACEMENT  
AND GRAVITY SEWER CAPACITY IMPROVEMENTS**

PHASE 2 - I-20 TO BROAD RIVER PUMP STATION - 7 EASEMENTS

EXHIBIT 2A OF 7

CIP # SS7589-02

REVISION DATE:

CF#250-544






~~30 6551~~

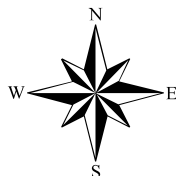
# 1871 Omarest Drive



EagleView

## Roads Maintenance

-  Interstate
-  SCDOT
-  County Paved
-  Private or Other
-  Columbia



1 inch = 675 feet



Produced by Richland County  
Department of Public Works  
2024



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

AN ORDINANCE AUTHORIZING AN EASEMENT TO THE CITY OF COLUMBIA FOR SANITARY SEWER MAIN LOCATED AT 1871 OMAREST DRIVE; RICHLAND COUNTY TMS #07415-01-01(P).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement to a sanitary sewer main to The City of Columbia located at 1871 Omarest Drive; also identified as a portion of Richland County TMS #07415-01-01; as specifically described in the Easement, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

## Richland County Council Request for Action

**Subject:**

An Ordinance Authorizing easement to the City of Columbia for a storm drainage line located at 1403 Jim Hamilton Boulevard; Richland County TMS #13702-01-30(p)

**Notes:**

June 25, 2024 – The Development & Services Committee recommends providing an easement to the City of Columbia for the installation of an additional storm drainage pipe on Richland County property located at 1403 Jim Hamilton Blvd., also known as Owens Field (R13702-01-30).

First Reading:

Second Reading:

Third Reading:

Public Hearing:

**Agenda Briefing**

Prepared by:	Shirani W Fuller	Title:	County Engineer		
Department:	Public Works	Division:	Engineering		
Date Prepared:	May 31, 2024	Meeting Date:	June 25, 2024		
Legal Review	Elizabeth McLean via email		Date:	June 14, 2024	
Budget Review	Maddison Wilkerson via email		Date:	June 10, 2024	
Finance Review	Stacey Hamm via email		Date:	June 7, 2024	
Approved for consideration:		County Administrator		Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services				
Subject	City of Columbia - Storm Drainage Easement Request-1403 Jim Hamilton Blvd				

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends providing an easement to the City of Columbia for the installation of an additional storm drainage pipe on Richland County property located at 1403-Jim Hamilton Blvd, also known as Owens Field (R13702-01-30).

Request for Council Reconsideration: ☒ Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

There is no anticipated fiscal impact to the County.

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Not applicable.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

The City of Columbia is requesting an exclusive variable width easement and a temporary 12.5-foot construction easement for the purpose of installing and maintaining a stormwater drainage pipe as shown on the exhibit prepared by Cox and Dinkins. The City has an existing 50-foot drainage easement directly adjacent to this request.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

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

#### ATTACHMENTS:

1. Easement Agreement
2. Easement Exhibit
3. Ordinance

STATE OF SOUTH CAROLINA )

## EASEMENT

COUNTY OF RICHLAND )

For and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, **RICHLAND COUNTY** (also hereinafter referred to as "Grantor") does hereby grant unto the **CITY OF COLUMBIA** (also hereinafter referred to as "Grantee"), its successors and assigns, a permanent, exclusive easement **variable (0' to 4.51') feet in width**, also a 12.5' temporary construction easement, together with the right of ingress and egress at all times for the purpose of constructing, operating, reconstructing and maintaining a **storm drainage line** and with the right to remove shrubbery, trees and other growth from the easement area provided that the property will be restored as nearly as practicable to its original condition upon completion of the construction and any trees which must be removed shall be moved from the premises, and any damaged shrubbery will be replaced with the same variety from nursery stock, said easement to run through the property which Grantor owns or in which Grantor has an interest, situate, lying and being:

In the State of South Carolina, County of Richland, in the city of Columbia, located at 1403 Jim Hamilton Boulevard, Columbia, SC 29205, Owens Field Park, and being further identified as a portion of Richland County tax map number 13702-01-30, as shown on tax maps prepared by the office of the Richland County Tax Assessor, 2022 Edition.

A permanent, exclusive easement for a storm drainage line, variable feet in width and having the following perimeter measurements: beginning on the common boundary of the easternmost / northwestern property line of the subject property and the southeastern property line of Richland County TMS#13703-01-03, n/f Julian at a point fifty-six and forty hundredths (56.40) feet northeast of the southeastern property corner of said TMS#13703-01-03; thence extending therefrom in a southwesterly direction along the easternmost / northwestern property line of the subject property, for a distance four and fifty-one hundredths (4.51) feet to a point; thence turning and extending therefrom in a southeasterly direction along the subject property, for a distance of seventy-seven and sixty-two hundredths (77.62) feet to a point; thence turning and extending therefrom in a northwesterly direction along the subject property, for a distance of seventy-nine and forty-eight hundredths (79.48) feet to intersect the easternmost / northwestern property line of the subject property, also being the point of the beginning; thence terminating. Be all measurements a little more or less.

Also, a 12.5' temporary construction easement as more clearly shown on the attached Exhibit "A". Said temporary easement shall expire upon completion of the project, subject to resurrection upon circumstances posing a danger to health and safety.

This easement being more clearly shown and delineated on an easement drawing for Storm Drainage Improvements to Shandon West Watershed South, Phase 2, CIP Project #SD8325, drawing 4 of 24, dated May 16, 2022, prepared by Cox and Dinkins for the City of Columbia, South Carolina and being on file in the office of the Department of Engineering, City of Columbia, South Carolina under CF# 250-558.

A copy of said easement drawing being attached hereto and made a part hereof as Exhibit "A".

AO

Easement 4 of 24

APPROVED AS TO FORM  
  
 Legal Department City of Columbia, SC  
 9/20/2022



To have and to hold the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor’s, successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

Witness the hand and seal of the Grantor by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

**RICHLAND COUNTY**

\_\_\_\_\_  
(1<sup>st</sup> Witness Signature)

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(2<sup>nd</sup> Witness Signature)

Title: \_\_\_\_\_  
(Print Title)

STATE OF SOUTH CAROLINA     )

ACKNOWLEDGMENT

COUNTY OF                             )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
(NAME & TITLE OF OFFICER)  
of \_\_\_\_\_ on behalf of the within-named  
Grantor.                             (CITY & STATE)

\_\_\_\_\_  
(Notary’s Signature)

NOTARY PUBLIC FOR STATE OF \_\_\_\_\_  
(State)

MY COMMISSION EXPIRES \_\_\_\_\_  
(Date)

ATTORNEY CERTIFICATION

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_ do hereby certify that I supervised the execution of the attached Easement for Storm Drainage Improvements to Shandon West Watershed South, Phase 2; CIP#SD8325 with Richland County, as Grantor and the City of Columbia, as Grantee this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)                             State Bar Number: \_\_\_\_\_



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

AN ORDINANCE AUTHORIZING EASEMENT TO THE CITY OF COLUMBIA FOR A STORM DRAINAGE LINE LOCATED AT 1403 JIM HAMILTON BOULEVARD; RICHLAND COUNTY TMS #13702-01-30(P).

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. The County of Richland and its employees and agents are hereby authorized to grant an easement for a storm drainage line to The City of Columbia, located at 1403 Jim Hamilton Boulevard; a portion of Richland County TMS #13702-01-30, as specifically described in the Easement, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

## Richland County Council Request for Action

**Subject:**

An Ordinance Authorizing an easement to the City of Columbia for sanitary sewer main located at the South Side of Plowden Road; Richland County TMS #13608-01-13(p)

**Notes:**

June 25, 2024 – The Development & Services Committee recommends providing an easement to the City of Columbia for the reconstruction of a sanitary sewer main on Richland County property R13608-01-13, described as south of Plowden Rd., a portion of the Jim Hamilton Airport. This recommendation is contingent on the construction plans and specifications containing language provided by the Airport General Manager.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

**Agenda Briefing**

Prepared by:	Shirani W Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	May 31, 2024	Meeting Date:	June 25, 2024
Legal Review	Elizabeth McLean via email	Date:	June 14, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 10, 2024
Finance Review	Stacey Hamm via email	Date:	June 7, 2024
Approved for consideration:		County Administrator	Leonardo Brown, MBA, CPM
Meeting/Committee	Development & Services		
Subject	City of Columbia - Sanitary Sewer Easement Request on parcel R13608-01-13		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends providing an easement to the City of Columbia for the reconstruction of a sanitary sewer main on Richland County property R13608-01-13, described as south of Plowden Rd, a portion of the Jim Hamilton Airport. This recommendation is contingent on the construction plans and specifications containing language provide by the Airport General Manager.

Request for Council Reconsideration: ☒ Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

There is no anticipated fiscal impact to the County.

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Not applicable.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

The City of Columbia is requesting an exclusive variable width sanitary sewer easement and a temporary non-exclusive variable width sanitary sewer easement for construction purposes as shown on the attached exhibit prepared by Michael Baker. The easement will extend through the County owned parcel R13608-01-13. This request for is for the purpose of reconstructing and maintaining the sewer main.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

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

#### ADDITIONAL COMMENTS FOR CONSIDERATION:

This project is in the approach for Runway 31 at the Jim Hamilton Airport. Equipment height limitations will be followed. Equipment will be properly marked with flagging and lights as required, and booms must be stowed when not in use.

The City will be required to file an advisory with the FAA prior to any work beginning. This filing will provide proper notification and assurance that work does not impact the Airport or its operations; the filing will generate a Determination of No Hazard to Air Navigation.

#### ATTACHMENTS:

1. Easement Agreement
2. Easement Exhibit
3. Aerial Map
4. Ordinance

STATE OF SOUTH CAROLINA )

## EASEMENT

COUNTY OF RICHLAND )

For and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, **RICHLAND COUNTY** (also hereinafter referred to as "Grantor") does hereby grant unto the said **CITY OF COLUMBIA** (also hereinafter referred to as "Grantee"), its successors and assigns, a permanent, exclusive easement variable **(16.84' to 56.24') feet in width**, also a variable (0' to 56') feet in width temporary easement for construction purposes only, also a variable (8.14' to 11.18') feet in width temporary easement for construction purposes only, together with the right of ingress and egress at all times for purpose of constructing, operating, reconstructing and maintaining a **sanitary sewer main**, and with the right to remove shrubbery, trees and other growth from the easement area and any trees which must be removed shall be moved from the premises and any damages that are incurred due to the performance of work by the City of Columbia shall be restored to as nearly as practicable to the original condition upon completion of the construction, said easement to run through the property which Grantor owns or in which Grantor has an interest, situate, lying and being

In the State of South Carolina, County of Richland, in the City of Columbia, located south of Plowden Road, Columbia, SC 29201 and being further identified as a portion of Richland County tax map number 13608-01-13, as shown on tax maps prepared by the Office of the Richland County Tax Assessor, 2022 Edition.

A permanent, exclusive easement for a sanitary sewer main, variable feet in width; beginning on the common boundary of the southwestern property line of the subject property and the northeastern boundary of Richland County Tax Map Number 13608-01-02, n/f Southern Region Industrial Realty, at a point two hundred seventy-seven and forty-eight hundredths (277.48) feet northwest of the southeastern property corner of the subject property and extending therefrom in a northwesterly direction along the subject property, for a distance of one hundred twenty-four and ninety-six hundredths (124.96) feet to a point; thence turning and extending therefrom in a northeasterly direction along the subject property, for a distance of fifty-four and seventeen hundredths (54.17) feet along the subject property to intersect the southwestern boundary of an existing variable width City of Columbia Sanitary Sewer Easement (CF#-37-12 and CF#37-04); thence turning and extending therefrom in a northwesterly direction along the southwestern boundary of said existing City Sewer Easement, for a distance of eight and twenty-eight hundredths (8.28) feet to a point; thence turning and extending therefrom in a northeasterly direction along the subject property and the northwestern boundary of the said City Sewer Easement, for a distance of twelve and fifty-nine hundredths (12.59) feet to intersect the northeastern property line of the subject property and the southwestern right-of-way of S. Beltline Boulevard (S-40-48); thence turning and extending therefrom in a northwesterly direction along the northeastern property line of the subject property and the southwestern right-of-way of

APPROVED AS TO FORM



Legal Department City of Columbia, SC

8/19/2022

S. Beltline Boulevard (S-40-48), for a distance of sixteen and eighty-four hundredths (16.84) feet at a point; thence turning and extending therefrom in a southwesterly direction along the subject property, for a distance of sixty-six and sixty-six hundredths (66.66) feet to a point; thence turning and extending therefrom in a southeasterly direction along the subject property, for a distance of ninety and thirty-seven hundredths (90.37) feet to intersect the southwestern property line of the subject property; thence turning and extending therefrom in a southeasterly direction along the southwestern property line of the subject property, for a distance of fifty-six and twenty-four hundredths (56.24) feet to the point of beginning; thence terminating. Be all measurements a little more or less.

Also, two variable feet in width temporary construction easements as more clearly shown on the attached Exhibit “A”. Said temporary easements shall expire upon completion of this project, subject to resurrection upon circumstances posing a danger to health and safety.

This easement being more clearly shown and delineated on an easement drawing for Gills Creek Relief Sewer, Phase I, CIP Project #SS7562, drawing 10 of 11, dated June 2, 2022, last revised September 12, 2022, prepared by Michael Baker International for the City of Columbia, South Carolina, and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under City file reference #250-582.

A copy of said easement drawing being attached hereto and made a part hereof as Exhibit “A”.

(VAL)  
EASEMENT #10 of 11

**(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)**



TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor’s successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_day of \_\_\_\_\_, 2022.

WITNESSES:

**RICHLAND COUNTY**

\_\_\_\_\_  
(Witness #1 Signature)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Witness #2 Signature)

Name: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_  
(Print Title)

STATE OF SOUTH CAROLINA    )  
  
COUNTY OF RICHLAND            )

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_  
(Name & Title of Officer)

of \_\_\_\_\_ on behalf of the within-named Grantor.  
(City & State)

\_\_\_\_\_  
(Notary’s Signature)

NOTARY PUBLIC FOR: \_\_\_\_\_  
(State)

MY COMMISSION EXPIRES: \_\_\_\_\_  
(Date)

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_ does hereby certify that I supervised the execution of the attached Easement for CIP#SS7562 Phase 1, Gills Creek Relief Sewer, with Richland County, as Grantor and the City of Columbia, as Grantee this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
SIGNATURE                      State Bar Number: \_\_\_\_\_



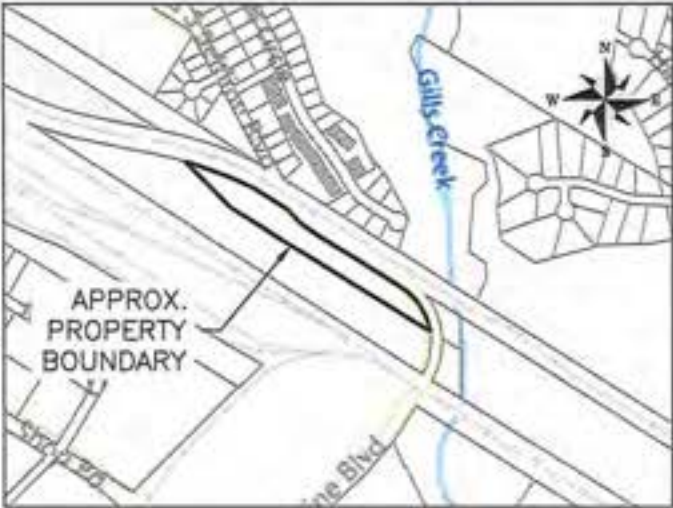
REFERENCES:

- 1. COORDINATES PROVIDED ARE BASED ON SC STATE PLAN, NAD83, NGVD88, INTERNATIONAL FOOT.
- 2. RICHLAND COUNTY TAX MAP SHEET R13608; 2022 EDITION.

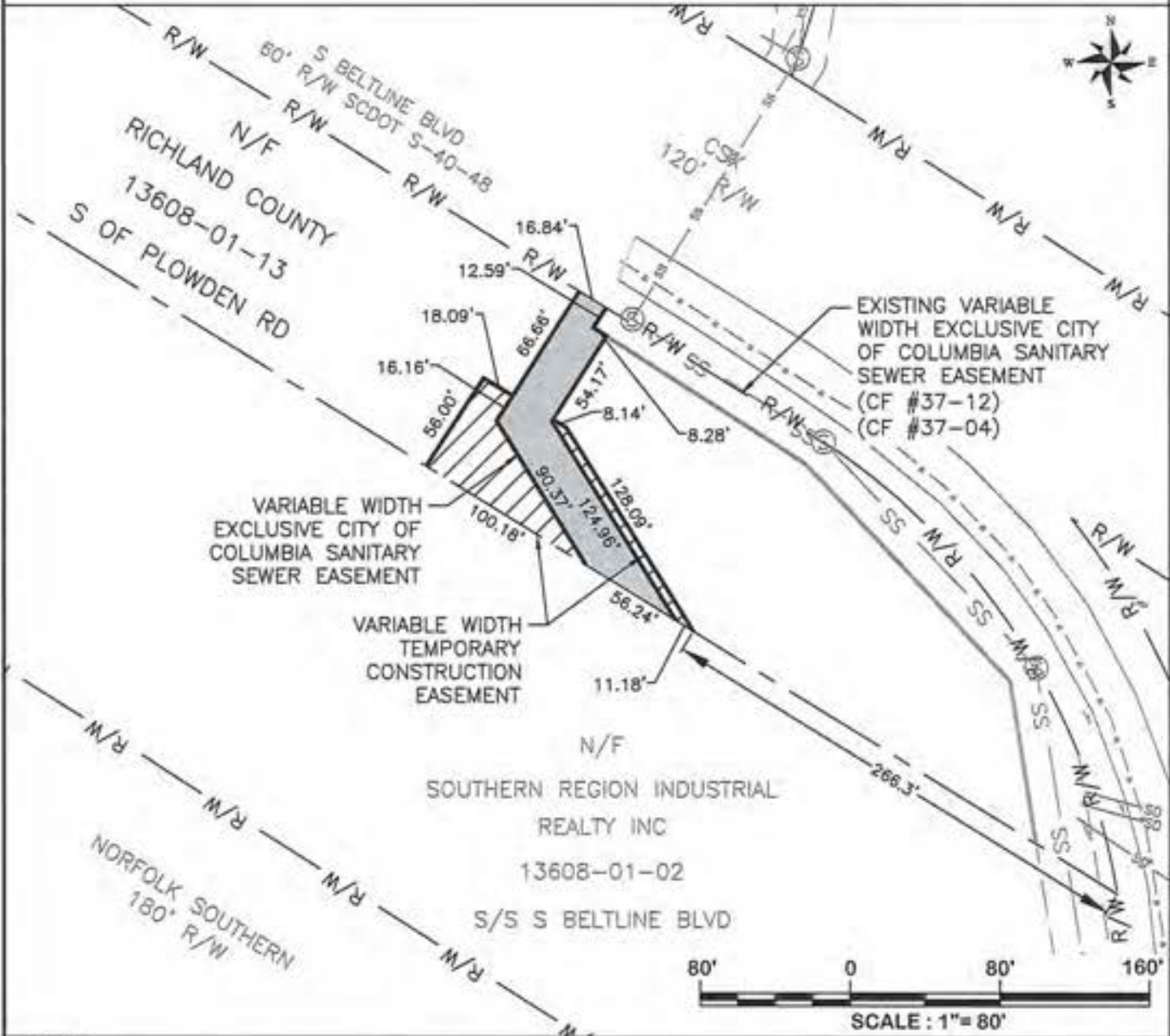
VARIABLE WIDTH EXISTING EXCLUSIVE CITY OF COLUMBIA SANITARY SEWER EASEMENT (0.188 ACRE) CF#37-12 & CF#37-04

VARIABLE WIDTH EXCLUSIVE CITY OF COLUMBIA SANITARY SEWER EASEMENT (0.102 ACRE)

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT (0.075 ACRE)



LOCATION MAP  
SCALE: 1"= 1000'



NOTES:

- 1. DRAWING PROVIDED TO THE CITY OF COLUMBIA BASED ON TOPOGRAPHIC SURVEY PROVIDED BY VAUGHN & MELTON CONSULTING ENGINEERS DATED FEBRUARY 4, 2022.
- 2. OWNERSHIP AND TAX MAP INFORMATION TAKEN FROM RICHLAND COUNTY GIS WEBSITE.
- 3. THIS EXHIBIT WAS BASED ON MAP COMPILATIONS ONLY. NO GROUND SURVEY WAS PERFORMED.
- 4. SEE CF #37-12 AND CF #37-04 FOR EXISTING EASEMENT INFORMATION.

N/F

**RICHLAND COUNTY**  
**PO BOX 192**  
**COLUMBIA, SC 29202**  
**TMS#13608-01-13**  
**CF #250-582**

**Michael Baker**  
**INTERNATIONAL**

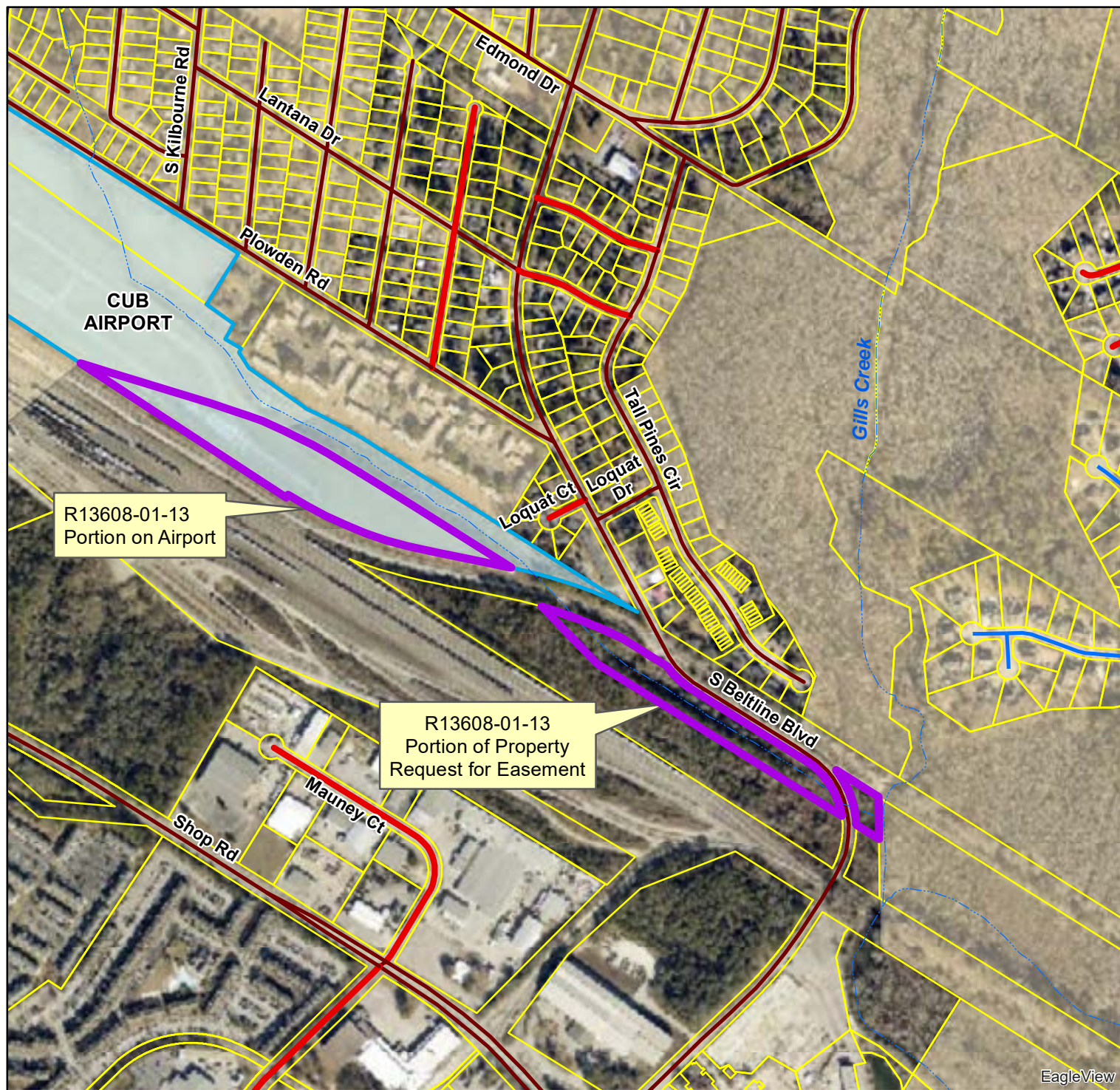
CITY OF COLUMBIA DEPARTMENT OF ENGINEERING COLUMBIA, SOUTH CAROLINA		
SCALE: 1"=80'	APPROVED BY:	DRAWN BY:
DATE: 06-02-2022		BJF
GILLS CREEK RELIEF SEWER PHASE 1		
PROJECT NO. : SS7562	DWG. 10 OF 11	
REVISION NO: 1	DATE: 09-12-2022	





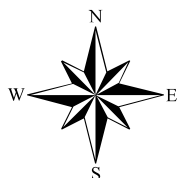
# Location Overview

## Property TMS R13608-01-13



### Roads Maintenance

- Interstate
- SCDOT
- County Paved
- Columbia
- Columbia



1 inch = 625 feet



Produced by Richland County  
Department of Public Works  
2024

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

AN ORDINANCE AUTHORIZING AN EASEMENT TO THE CITY OF COLUMBIA FOR SANITARY SEWER MAIN LOCATED AT THE SOUTH SIDE OF PLOWDEN ROAD; RICHLAND COUNTY TMS #13608-01-13(P).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement to a sanitary sewer main to The City of Columbia located on the south side of Plowden Road; also identified as a portion of Richland County TMS #13608-01-13; as specifically described in the Easement, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

## Richland County Council Request for Action

**Subject:**

Department of Public Works - Engineering - Land Manual Revision 2024 Update

**Notes:**

June 25, 2024 – The Development & Services Committee recommends Council adopt the proposed updates to the Land Development Manual.





### Agenda Briefing

Prepared by:	Shirani W Fuller	Title:	County Engineer		
Department:	Public Works	Division:	Engineering		
Date Prepared:	May 31, 2024	Meeting Date:	June 25, 2024		
Legal Review	Elizabeth McLean via email		Date:	June 13, 2024	
Budget Review	Maddison Wilkerson via email		Date:	June 10, 2024	
Finance Review	Stacey Hamm via email		Date:	June 11, 2024	
Approved for consideration:		Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM		
Meeting/Committee	Development & Services				
Subject	Land Development Manual 2024 Update				

#### RECOMMENDED/REQUESTED ACTION:

Staff recommends that Council adopted the proposed updates to the Land Development Manual (LDM) as described in this document and attachments.

Request for Council Reconsideration: ☒ Yes

#### FIDUCIARY:

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

#### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no fiscal impact to the County.

#### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

There are no legal concerns regarding this matter.

#### REGULATORY COMPLIANCE:

Not applicable.

#### MOTION OF ORIGIN:

There is no associated Council motion of origin.



#### STRATEGIC & GENERATIVE DISCUSSION:

The Land Development Manual (LDM) was originally adopted by Council in November of 2021 and placed into effect February 2022. This document provides engineering guidance for minimum standards and policies established by the County. The intent for developing these standards for site and land development are to protect and promote the general welfare of all residents. The LDM is a tool to assist designers, owners, developers, and inspectors with the implementation of standards, policies, and procedures within un-incorporated Richland County and within municipalities as approved by County Council and the South Carolina Department of Health and Environmental Control (SCDHEC). The LDM is intended to be a working document that reflects changes in design technology and/or criteria. Moving forward, staff will review the document on an annual basis to determine if updates are needed.

Track changes has been used to show proposed revisions to the document. Proposed technical revisions for 2024 are found in the table on page 20 of the LDM. The majority of red-lining in the document is due to reference/appendix changes or minor language changes.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 4: Plan for Growth through Inclusive and Equitable Infrastructure
  - Objective 4.3: Create excellent facilities

#### ATTACHMENTS:

1. Land Development Manual (redlined)



Style Definition: TOC 1



## RICHLAND COUNTY GOVERNMENT

DEVELOPED BY:

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

DEPARTMENT OF PUBLIC WORKS

~~2020~~ 2024 REVISION





## TABLE OF CONTENTS

<b>CHAPTER 1: GENERAL .....</b>	<b>17</b>
<b>Purpose.....</b>	<b>17</b>
<b>Scope.....</b>	<b>18</b>
<b>Manual Organization .....</b>	<b>19</b>
<b>Authorization.....</b>	<b>19</b>
<b>Clean Water Act .....</b>	<b>19</b>
<b>South Carolina Pollution Control Act.....</b>	<b>19</b>
<b>South Carolina Stormwater Management and Sediment Reduction Act .....</b>	<b>19</b>
<b>Description and Use of the Manual.....</b>	<b>20</b>
<b>Updates to the Manual .....</b>	<b>20</b>
<b>CHAPTER 2: PROJECT CLASSIFICATIONS .....</b>	<b>23</b>
<b>Project Types .....</b>	<b>23</b>
Commercial Development (Major).....	23
Commercial Development (Minor).....	23
Residential Development (Major).....	23
Residential Development (Minor).....	23
Linear Utility.....	24
Encroachment Permit .....	24
<b>Application Process.....</b>	<b>24</b>
<b>Submittal Process .....</b>	<b>24</b>
<b>Permitting Procedures.....</b>	<b>25</b>
Land Disturbance Permit.....	26
<b>Permitting Software Guidelines.....</b>	<b>27</b>
<b>Fees.....</b>	<b>27</b>
<b>CHAPTER 3: STORMWATER MANAGEMENT GENERAL DESIGN REQUIREMENTS .....</b>	<b>29</b>
<b>Special Protected Areas.....</b>	<b>29</b>
<b>Low Impact Site Layout Techniques .....</b>	<b>29</b>
<b>Hydrology and Hydraulics.....</b>	<b>30</b>
<b>Rainfall Frequency.....</b>	<b>30</b>



<b>Rainfall.....</b>	<b>31</b>
<b>Rational Method .....</b>	<b>31</b>
Rainfall Intensity (i).....	32
Time of Concentration.....	33
<b>NRCS (SCS) Unit Hydrograph .....</b>	<b>33</b>
Change in Storage Equation.....	34
Inflow Hydrograph Formulation.....	34
<b>Watershed Areas.....</b>	<b>34</b>
<b>Downstream Analysis.....</b>	<b>35</b>
Downstream Analysis Limits.....	35
Downstream Analysis Design Storm Events.....	36
Improvement Options.....	36
<b>Post-Construction Water Quality Design Standards .....</b>	<b>37</b>
WQ Design Standard #1: Manage the Water Quality Storm Event Design Standard.....	37
WQ Design Standard #2: TSS Removal Design Standard.....	38
<b>Hardship Exemption Criteria .....</b>	<b>39</b>
<b>Receiving Waters with TMDLs or Impairments.....</b>	<b>39</b>
<b>Pre-Treatment Practices .....</b>	<b>40</b>
<b>BMP Pollutant Removal .....</b>	<b>41</b>
<b>Water Quantity Design Requirements.....</b>	<b>42</b>
<b>Impoundment (Basin) Design Requirements.....</b>	<b>43</b>
<b>Types of Storage.....</b>	<b>43</b>
Dry Basins.....	43
Wet Basins.....	43
Parking Lot Storage.....	44
Pipe Storage.....	44
Underground Storage.....	44
<b>Detention and Retention Design Parameters .....</b>	<b>45</b>
Detention Structure Design Criteria .....	45
<b>During Construction Basic Design Procedures .....</b>	<b>50</b>
<b>During Construction Water Quality Design Requirements .....</b>	<b>50</b>
SWPPP Development Standards .....	51
Phased Sediment and Erosion Control Plans.....	53
Alternative Erosion Prevention and Sediment BMPs.....	54
<b>Multipurpose Basin Design .....</b>	<b>54</b>
<b>Assessing Sediment and Erosion Control Measures .....</b>	<b>55</b>
Sediment Storage Volumes and Maintenance Schedules .....	55
R Factors and EI Values.....	56



Calculating Sediment Storage Volumes.....	58
<b>Selection of During Construction BMPs .....</b>	<b>61</b>
Erosion Prevention BMPs.....	61
Sediment Control BMPs.....	66
Runoff Conveyance BMPs.....	74
Maintenance of BMPs During Construction.....	78
<b>Selection of Permanent BMPs .....</b>	<b>78</b>
BMP Selection Considerations .....	79
Infiltration BMP Design Requirements.....	81
Soil Testing – Infiltration Rates.....	82
<b>Acceptable Post-Construction Water Quality BMPs.....</b>	<b>83</b>
Standard Application Structural BMPs .....	83
Limited Application Structural BMPs .....	85
Minimal Application Controls.....	87
<b>Using Other or New Structural Stormwater BMPs.....</b>	<b>88</b>
Required Specifications .....	88
<b>CHAPTER 4: WATER QUALITY BUFFER REQUIREMENTS.....</b>	<b>89</b>
<b>Exemptions.....</b>	<b>89</b>
<b>Stream Buffers .....</b>	<b>90</b>
Stream Buffers During Construction.....	90
Stream Buffer Management and Maintenance .....	91
<b>Shoreline Buffers.....</b>	<b>92</b>
Shoreline Buffer Management and Maintenance .....	92
<b>Water Quality Buffer Requirements.....</b>	<b>93</b>
Water Quality Buffer Width Adjustment Requirements.....	93
Water Quality Buffer Averaging Option.....	93
Water Quality Buffer Plan and Plat Requirements.....	94
Water Quality Buffer Design Requirements.....	95
Water Quality Buffer Signage.....	96
Water Quality Buffer Restoration and Enhancement Plans.....	97
<b>Water Quality Buffer Waiver Option.....</b>	<b>97</b>
Buffer Waiver Submittal Requirements.....	98
<b>CHAPTER 5: FLOODPLAIN MANAGEMENT.....</b>	<b>99</b>
<b>Overview of Floodplains .....</b>	<b>99</b>
<b>Floodplain Development .....</b>	<b>100</b>
<b>CHAPTER 6: STREET DRAINAGE AND EASEMENTS.....</b>	<b>102</b>
<b>Storm Sewer Design Criteria .....</b>	<b>102</b>
Pipe Systems .....	102
Catch Basins, Junction Boxes and Manholes.....	103



Headwalls.....	104
Open Channels.....	105
Vegetated Channels.....	106
<b>Culverts.....</b>	<b>108</b>
Culvert Requirements.....	108
Culvert Materials.....	109
Minimum Culvert Size.....	110
<b>End Treatments and Transitions.....</b>	<b>110</b>
<b>Post Installation Inspection.....</b>	<b>111</b>
<b>CHAPTER 7: ROADWAY DESIGN REQUIREMENTS.....</b>	<b>112</b>
Road Classification.....	112
Road Right-of-Way Widths.....	114
Pavement Width.....	118
Road Geometric Design.....	118
Sidewalks.....	122
Temporary Dead-end Road and Half Roads.....	122
Visibility at Intersections.....	123
Lateral Clearance.....	126
Road Subgrade and Pavement Structure Requirements.....	126
Road Connectivity.....	132
Reservation of Road Connections.....	132
Conservation Area Access.....	132
<b>CHAPTER 8: ROAD CONSTRUCTION AND TESTING.....</b>	<b>133</b>
Clearing and Grubbing.....	133
Road Embankment.....	133
Road Embankment Modifications.....	133
<b>Materials and Equipment.....</b>	<b>133</b>
<b>Road Construction Requirements.....</b>	<b>134</b>
Subgrade Course.....	135
Base Course.....	136
Binder or Intermediate Course.....	137
Surface Course.....	137
<b>Proof Rolling.....</b>	<b>138</b>
Equipment.....	139
Proof Rolling Method.....	139
Proof Roll Types.....	139



<b>Flowable Fill.....</b>	<b>140</b>
<b>Roadway Repairs.....</b>	<b>141</b>
Full Depth Asphalt Pavement Patching .....	141
Milling Existing Asphalt Pavement.....	141
Removal of Existing Asphalt Pavement before Patching.....	142
Removal of Existing Concrete Curb and Gutter, Sidewalk or Driveway .....	142
<b>Roadway Signs/Traffic Control Devices .....</b>	<b>142</b>
Roadway Signs.....	142
Traffic Control Devices .....	143
<b>CHAPTER 9: INSPECTIONS AND ENFORCEMENT.....</b>	<b>144</b>
<b>Inspection and Enforcement Authority.....</b>	<b>144</b>
<b>Inspections .....</b>	<b>144</b>
Third Party Inspections.....	145
Sediment & Erosion Control Inspections .....	145
Roadway Inspections.....	145
Final Inspections.....	145
<b>Enforcement .....</b>	<b>146</b>
Special Investigations.....	146
Issuing Violations.....	146
Notice of Violation.....	147
Stop Work Order .....	147
Civil Citations.....	147
Criminal Penalties.....	148
<b>CHAPTER 10: PROJECT CLOSEOUT &amp; DEDICATION .....</b>	<b>149</b>
<b>Closeout (Project Completion) .....</b>	<b>149</b>
<b>Dedication of Infrastructure .....</b>	<b>150</b>
<b>CHAPTER 11: BOND, WARRANTIES AND AGREEMENTS.....</b>	<b>151</b>
<b>Financial Surety.....</b>	<b>151</b>
Types of Surety Bonds.....	151
Financial Surety Submissions .....	151
Financial Surety Conditions .....	152
Financial Surety Reductions.....	152
Financial Surety Termination .....	152
<b>Warranty Period .....</b>	<b>153</b>
Financial Surety Security Period.....	153
Warranty Bonds.....	153
Warranty Bond Format.....	153
<b>DEFINITIONS .....</b>	<b>155</b>
<b>CHAPTER 1: GENERAL .....</b>	<b>8</b>



<b>Purpose.....</b>	<b>8</b>
<b>Scope.....</b>	<b>9</b>
<b>Manual Organization.....</b>	<b>10</b>
<b>Authorization.....</b>	<b>10</b>
<b>Clean Water Act.....</b>	<b>10</b>
<b>South Carolina Pollution Control Act.....</b>	<b>10</b>
<b>South Carolina Stormwater Management and Sediment Reduction Act.....</b>	<b>10</b>
<b>Description and Use of the Manual.....</b>	<b>11</b>
<b>Updates to the Manual.....</b>	<b>11</b>
<b>CHAPTER 2: PROJECT CLASSIFICATIONS .....</b>	<b>13</b>
<b>Project Types .....</b>	<b>13</b>
Commercial Development (Major).....	13
Commercial Development (Minor).....	13
Residential Development (Major).....	13
Residential Development (Minor).....	13
Linear Utility.....	14
Encroachment Permit.....	14
<b>Application Process.....</b>	<b>14</b>
<b>Submittal Process .....</b>	<b>14</b>
<b>Permitting Procedures.....</b>	<b>15</b>
Land Disturbance Permit.....	16
<b>Permitting Software Guidelines.....</b>	<b>17</b>
<b>Fees.....</b>	<b>17</b>
<b>CHAPTER 3: STORMWATER MANAGEMENT GENERAL DESIGN REQUIREMENTS .....</b>	<b>18</b>
<b>Special Protected Areas.....</b>	<b>18</b>
<b>Low Impact Site Layout Techniques.....</b>	<b>18</b>
<b>Hydrology and Hydraulics.....</b>	<b>19</b>
<b>Rainfall Frequency.....</b>	<b>19</b>
<b>Rainfall.....</b>	<b>20</b>
<b>Rational Method .....</b>	<b>20</b>
Rainfall Intensity (i).....	21
Time of Concentration.....	22
<b>NRCS (SCS) Unit Hydrograph.....</b>	<b>22</b>





Change in Storage Equation.....	23
Inflow Hydrograph Formulation.....	23
<b>Watershed Areas.....</b>	<b>23</b>
<b>Downstream Analysis.....</b>	<b>24</b>
Downstream Analysis Limits.....	24
Downstream Analysis Design Storm Events.....	25
Improvement Options.....	25
<b>Post-Construction Water Quality Design Standards.....</b>	<b>26</b>
WQ Design Standard #1: Manage the Water Quality Storm Event Design Standard.....	26
WQ Design Standard #2: TSS Removal Design Standard.....	27
<b>Hardship Exemption Criteria.....</b>	<b>28</b>
<b>Receiving Waters with TMDLs or Impairments.....</b>	<b>28</b>
<b>Pre Treatment Practices.....</b>	<b>29</b>
<b>BMP Pollutant Removal.....</b>	<b>30</b>
<b>Water Quantity Design Requirements.....</b>	<b>31</b>
<b>Impoundment (Basin) Design Requirements.....</b>	<b>32</b>
<b>Types of Storage.....</b>	<b>32</b>
Dry Basins.....	32
Wet Basins.....	32
Parking Lot Storage.....	33
Pipe Storage.....	33
Underground Storage.....	33
<b>Detention and Retention Design Parameters.....</b>	<b>34</b>
Detention Structure Design Criteria.....	34
<b>During Construction Basic Design Procedures.....</b>	<b>39</b>
<b>During Construction Water Quality Design Requirements.....</b>	<b>39</b>
SWPPP Development Standards.....	40
Phased Sediment and Erosion Control Plans.....	42
Alternative Erosion Prevention and Sediment BMPs.....	43
<b>Multipurpose Basin Design.....</b>	<b>43</b>
<b>Assessing Sediment and Erosion Control Measures.....</b>	<b>44</b>
Sediment Storage Volumes and Maintenance Schedules.....	44
R Factors and EI Values.....	44
Calculating Sediment Storage Volumes.....	46
<b>Selection of During Construction BMPs.....</b>	<b>49</b>
Erosion Prevention BMPs.....	49
Sediment Control BMPs.....	54
Runoff Conveyance BMPs.....	62
Maintenance of BMPs During Construction.....	66



<b>Selection of Permanent BMPs</b>	<b>66</b>
BMP Selection Considerations	67
Infiltration BMP Design Requirements	69
Soil Testing – Infiltration Rates	70
<b>Acceptable Post-Construction Water Quality BMPs</b>	<b>70</b>
Standard Application Structural BMPs	71
Limited Application Structural BMPs	73
Minimal Application Controls	75
<b>Using Other or New Structural Stormwater BMPs</b>	<b>76</b>
Required Specifications	76
<b>CHAPTER 4: WATER QUALITY BUFFER REQUIREMENTS</b>	<b>77</b>
<b>Exemptions</b>	<b>77</b>
<b>Stream Buffers</b>	<b>78</b>
Stream Buffers During Construction	78
Stream Buffer Management and Maintenance	78
<b>Shoreline Buffers</b>	<b>80</b>
Shoreline Buffer Management and Maintenance	80
<b>Water Quality Buffer Requirements</b>	<b>81</b>
Water Quality Buffer Width Adjustment Requirements	81
Water Quality Buffer Averaging Option	81
Water Quality Buffer Plan and Plat Requirements	82
Water Quality Buffer Signage	84
Water Quality Buffer Restoration and Enhancement Plans	85
<b>Water Quality Buffer Waiver Option</b>	<b>85</b>
Buffer Waiver Submittal Requirements	86
<b>CHAPTER 5: FLOODPLAIN MANAGEMENT</b>	<b>87</b>
<b>Overview of Floodplains</b>	<b>87</b>
<b>Floodplain Development</b>	<b>88</b>
<b>CHAPTER 6: STREET DRAINAGE AND EASEMENTS</b>	<b>90</b>
<b>Storm Sewer Design Criteria</b>	<b>90</b>
Pipe Systems	90
Catch Basins, Junction Boxes and Manholes	91
Headwalls	92
Open Channels	92
Vegetated Channels	93
<b>Culverts</b>	<b>95</b>
Culvert Requirements	95
Culvert Materials	96
Minimum Culvert Size	98



End Treatments and Transitions.....	98
Post Installation Inspection.....	98
<b>CHAPTER 7: ROADWAY DESIGN REQUIREMENTS.....</b>	<b>99</b>
Road Classification.....	99
Road Right-of-Way Widths.....	101
Pavement Width.....	105
Road Geometric Design.....	105
Sidewalks.....	109
Temporary Dead-end Road and Half Roads.....	109
Visibility at Intersections.....	109
Lateral Clearance.....	112
Road Subgrade and Pavement Structure Requirements.....	112
Road Connectivity.....	117
Reservation of Road Connections.....	117
Conservation Area Access.....	117
<b>CHAPTER 8: ROAD CONSTRUCTION AND TESTING.....</b>	<b>118</b>
Clearing and Grubbing.....	118
Road Embankment.....	118
Road Embankment Modifications.....	118
Materials and Equipment.....	118
Road Construction Requirements.....	119
Subgrade Course.....	120
Base Course.....	121
Binder or Intermediate Course.....	122
Surface Course.....	122
Proof Rolling.....	123
Equipment.....	124
Proof Rolling Method.....	124
Proof Roll Types.....	124
Flowable Fill.....	125
Roadway Repairs.....	126
Full-Depth Asphalt Pavement Patching.....	126
Milling Existing Asphalt Pavement.....	126
Removal of Existing Asphalt Pavement before Patching.....	127
Removal of Existing Concrete Curb and Gutter, Sidewalk or Driveway.....	127



<b>Roadway Signs/Traffic Control Devices .....</b>	<b>127</b>
Roadway Signs .....	127
Traffic Control Devices .....	128
<b>CHAPTER 9: INSPECTIONS AND ENFORCEMENT.....</b>	<b>129</b>
<b>Inspection and Enforcement Authority.....</b>	<b>129</b>
<b>Inspections .....</b>	<b>129</b>
Third-Party Inspections.....	130
Sediment & Erosion Control Inspections .....	130
Roadway Inspections.....	130
Final Inspections.....	130
<b>Enforcement.....</b>	<b>131</b>
Special Investigations.....	131
Issuing Violations.....	131
Notice of Violation.....	132
Stop-Work Order.....	132
Civil Citations.....	132
Criminal Penalties.....	133
<b>CHAPTER 10: PROJECT CLOSEOUT &amp; DEDICATION .....</b>	<b>134</b>
<b>Closeout (Project Completion).....</b>	<b>134</b>
<b>Dedication of Infrastructure .....</b>	<b>135</b>
<b>CHAPTER 11: BOND, WARRANTIES AND AGREEMENTS.....</b>	<b>136</b>
<b>Financial Surety.....</b>	<b>136</b>
Types of Surety Bonds.....	136
Financial Surety Submissions.....	136
Financial Surety Conditions .....	137
Financial Surety Reductions.....	137
Financial Surety Termination .....	137
<b>Warranty Period.....</b>	<b>138</b>
Financial Surety Security Period.....	138
Warranty Bonds.....	138
Warranty Bond Format.....	138
<b>DEFINITIONS .....</b>	<b>140</b>



## LIST OF FIGURES & TABLES

Figure 1: Submittal Process Flow Chart.....	25
Figure 2: Land Disturbance Permit Process Flow Chart.....	26
Figure 3: Example of a Stormwater Treatment Train .....	41
Figure 4: Cross Section of the Special Flood Hazard Area.....	100
Figure 5: Plan View of the Special Flood Hazard Area .....	100
Figure 6: Horizontal Dimensions of Sight Areas.....	124
Figure 7: Poor Subgrade.....	129
Figure 8: Medium Subgrade .....	130
Figure 9: Good Subgrade.....	131
Figure 1: Submittal Process Flow Chart.....	15
Figure 2: Land Disturbance Permit Process Flow Chart.....	15
Figure 3: Example of a Stormwater Treatment Train .....	30
Figure 4: Cross Section of the Special Flood Hazard Area.....	88
Figure 5: Plan View of the Special Flood Hazard Area .....	88
Figure 6: Horizontal Dimensions of Sight Areas.....	111
Figure 7: Poor Subgrade.....	114
Figure 8: Medium Subgrade .....	115
Figure 9: Good Subgrade.....	116
Table 1: Errata Table .....	21
Table 2: Land Development Fees .....	28
Table 3: Design Storm Recurrence Interval.....	30
Table 4: Richland County 24-Hour Rainfall Depths for Type II Storm Events (Inches) .....	31
Table 5: Rainfall Intensity Coefficients (a, b, c).....	32
Table 6: Richland County Rainfall Intensities (i) (Inches per Hour) .....	33
Table 7: Richland County Water Quality Design Standards.....	37
Table 8: Stormwater Treatment Train Calculations .....	42
Table 9: Default Weight Density Values for Sediment Storage .....	55
Table 10: Average Example Distribution of Rainfall Erosion Index (EI Curves).....	57
Table 11: Acceptable During Construction BMPs.....	61
Table 12: Erosion Prevention BMPs.....	62
Table 13: Sediment Control BMPs.....	67
Table 14: Runoff Conveyance BMPs .....	75
Table 15: Acceptable Post-Construction Water Quality BMPs.....	83
Table 16: Standard Application Structural BMPs.....	84
Table 17: Limited Application Structural BMPs .....	85
Table 18: Minimal Application Controls .....	87
Table 19: Minimum Required Easement Widths .....	103
Table 20: Inlet Capacity for Richland County Standard Catch Basins .....	104



Table 21: Lane Widths and Design Speeds for Various Street Classifications.....	109
Table 22: Maximum Acceptable Speed Limit.....	109
Table 23: Lane Widths and Design Speeds for Street Classification.....	110
Table 24: Stopping Distances .....	112
Table 25: Traffic Classes.....	115
Table 26: Subgrade Categories.....	115
Table 27: Roadway Course Testing Requirements.....	122

Table 22: Stopping Distances.....	123
Table 23: Traffic Classes.....	126
Table 24: Subgrade Categories.....	127
Table 25: Roadway Course Testing Requirements .....	134
Table 1: Errata Table .....	12
Table 2: Land Development Fees .....	17
Table 3: Design Storm Recurrence Interval.....	19
Table 4: Richland County 24 Hour Rainfall Depths for Type II Storm Events (Inches) .....	20
Table 5: Rainfall Intensity Coefficients (a, b, c).....	21
Table 6: Richland County Rainfall Intensities (i) (Inches per Hour).....	22
Table 7: Richland County Water Quality Design Standards.....	26
Table 8: Stormwater Treatment Train Calculations .....	31
Table 9: Default Weight Density Values for Sediment Storage .....	44
Table 10: Average Example Distribution of Rainfall Erosion Index (EI Curves).....	45
Table 11: Acceptable During Construction BMPs.....	49
Table 12: Erosion Prevention BMPs.....	50
Table 13: Sediment Control BMPs.....	55
Table 14: Runoff Conveyance BMPs .....	63
Table 15: Acceptable Post Construction Water Quality BMPs.....	71
Table 16: Standard Application Structural BMPs.....	71
Table 17: Limited Application Structural BMPs .....	73
Table 18: Minimal Application Controls .....	75
Table 19: Minimum Required Easement Widths .....	91
Table 20: Inlet Capacity for Richland County Standard Catch Basins .....	92
Table 21: Street Classification Requirements.....	106
Table 22: Maximum Acceptable Speed Limits.....	106
Table 23: Minimum Length of Crest Vertical Curves (Feet) .....	107
Table 24: Lane Widths and Design Speeds for Various Street Classifications.....	108
Table 25: Stopping Distances.....	110
Table 26: Traffic Classes.....	112
Table 27: Subgrade Categories.....	113



Table 28: Roadway Course Testing Requirements .....119

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## Appendices

[Appendix A: Co-Permittee Intergovernmental Agreements](#)

[Appendix B: Major Residential Development Forms](#)

[Appendix C: Linear Utility Permit Application](#)

[Appendix D: Encroachment Permit Application](#)

[Appendix E: Residential Plan Requirements](#)

[Appendix F: Plan Review Revision Form](#)

[Appendix G: Stormwater Management Design Guidance Document](#)

[Appendix H: Detention Waiver Request Form](#)

[Appendix I: Universal Soil Loss Equation Input Values](#)

[Appendix J: Landscape Plant Materials List](#)

[Appendix K: Proof Roll Request Process and Inspection Form](#)

[Appendix L: Enforcement Response Guide](#)

[Appendix M: Residential Final Inspection SOP](#)

[Appendix N: Closeout Process](#)

[Appendix O: Road Right-of-Way Deed Template](#)

[Appendix P: Storm Drainage Easement Deed Template](#)

[Appendix Q: Affidavit for Deeds Templates](#)

[Appendix R: Construction Bond Process](#)





Appendix S: Statement of Conditions

Appendix T: Bond Memorandum of Understanding

Appendix A: Co-Permittee Intergovernmental Agreements

Appendix B: Major Residential Development Forms

Appendix C: Linear Utility Permit Application

Appendix D: Encroachment Permit Application

Appendix E: Individual Lot Notice of Intent

Appendix F: Residential Plan Requirements

Appendix G: Plan Review Revision Form

Appendix H: Stormwater Management Design Guidance Document

Appendix I: Detention Waiver Request Form

Appendix J: Universal Soil Loss Equation Input Values

Appendix K: Landscape Plant Materials List

Appendix L: Proof Roll Request Process and Inspection Form

Appendix M: Enforcement Response Guide

Appendix N: Residential Final Inspection SOP

Appendix O: Closeout Process

Appendix P: Road Right-of-Way Deed Template

Appendix Q: Storm Drainage Easement Deed Template

Appendix R: Affidavit for Deeds Templates

Appendix S: Construction Bond Process



Appendix T: Statement of Conditions

Appendix U: Bond Memorandum of Understanding

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## Chapter 1: General

### Purpose

The purpose of the Land Development Manual (Manual) is to establish minimum standards for design and construction of site grading and land development and re-development projects within the unincorporated areas of Richland County and other municipalities as approved by the Richland County Council. This document contains the policies and procedures used by the Richland County Department of Public Works and Department of Community Planning and Development. This Manual provides parameters and criteria for addressing some of the specific issues which must be resolved during the planning, designing, and construction phases of land development. The minimum standards for site and land development are intended to protect and promote the general welfare of all citizens. The purpose of this Manual is to provide engineers, developers, plan reviewers, inspectors, contractors, property owners, and interested citizens involved in land development within the unincorporated, non-SCDOT regulated areas of Richland County and within any municipality that chooses to participate as a co-permittee with Richland County in its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, with the following information:

- Summarization of the plan submission process;
- Submittal requirements and the plan review process;
- Guidelines for designing and constructing roads in accordance with SCDOT standards;
- Roadway testing requirements;
- Guidelines for designing, implementing, and maintaining stormwater Best Management Practices (BMPs) to be used in Richland County to improve water quality, and minimize stormwater runoff impacts due to increased flow volumes and peak discharge rates from developed areas; and
- Stormwater management requirements.

The Manual is designed to accomplish the following objectives:

- Reduce stormwater impacts on water quality;
- Reduce stormwater impacts on water quantity;
- Protect downstream areas from adverse stormwater impacts resulting from development;
- Ensure that roads taken into the County inventory are designed and constructed to last for 25 years; and
- Explain all internal procedures associated with development, to include conveying property to the County.

The minimum standards and other submittal information required to obtain a land disturbance permit are provided in the Manual. For developments that are fully complied with (that is, no deviations are required), the review process can be completed in a relatively straightforward manner, often with no questions asked nor any additional information requested; for developments where deviations/exceptions are required, the submitting developer/engineer should include rationale/justification to support the desired changes. Proposed deviations from the standards will be considered on a case-by-case basis.



It must be recognized that some tracts of land are simply not economically feasible for certain types of development. In other cases, certain types of development may be economically feasible, but prohibited by ordinance measures, such as road classification or the 100-year floodway designations. Therefore, coordination with County staff is encouraged during the initial concept and planning stages of a development before significant resources are committed privately. It is Richland County's desire to provide safe, adequate, maintainable, and attractive infrastructure essential for the planned development within our borders.

Effort has been made to cover the common conditions and information needed by those involved in land development activities, however, the requirements in this Manual and the County Ordinances should be reviewed carefully to ensure that all requirements are being met. If the Manual fails to resolve any interpretation conflicts, the Department of Public Works and Department of Community Planning & Development has the authority to settle any such issues related to land development.

Intergovernmental Agreements [exist](#) between the County and co-permittees (i.e., SCDOT, City of Forest Acres, Town of Arcadia Lakes, Town of Blythewood, and Town of Irmo). [Contact the County for more information.](#) ~~can be found in Appendix A: Co-Permittee Intergovernmental Agreements.~~

## Scope

The scope of the Manual is limited to the requirements for submitting site plans and related projects to the Department of Community Planning & Development (CP&D). The CP&D is only one part of the Richland County review process, as is explained further. State and federal agencies may have additional requirements other than those listed. The Manual is not intended as a textbook or a comprehensive engineering design reference.

Site plans, details, calculations, construction specifications, and other technical documents must be designed and sealed by a Professional Engineer or Tier B Land Surveyor registered in the state of South Carolina.

Most types of engineering calculations are not explained or defined within the Manual, either due to the very complex nature of the subject matter or the fact that the design equations and methods are well-known.

The Manual contains several references to some of the most common technical design manuals, such as the Natural Resources Conservation Service's (NRCS) TR-55 and South Carolina Department of Health and Environmental Control's (DHEC) BMP Manual, and where such information can be found.

In addition to technical design, submitted projects must also meet federal and state standards for health and safety. For instance, trenching and excavations must satisfy OSHA standards in 29 CFR 1926 Subpart P - Excavations. Scaffolding and temporary work platforms must also meet OSHA standards. Traffic signs must be designed to meet FHWA and AASHTO requirements unless otherwise specified in this Manual. Consideration for public safety must be emphasized throughout the design process.



## Manual Organization

The Manual contains eleven chapters, organized to present recommended technical and engineering procedures along with the criteria needed to comply with the State of South Carolina's Stormwater Management and Sediment Reduction Act (SC Code Ann. §§ 48-14-10 et seq R.72-300), the South Carolina Construction General Permit (SCR10000), the Medium Municipal Separate Stormwater System Permit (SCS030000), and Richland County's Stormwater Management and Flood Damage Prevention Ordinances. This chapter provides information on Richland County's authority to develop and enforce design requirements along with several legal matters and some background information on stormwater management and its importance.

## Authorization

The Manual has been prepared under the direction of the Department of Public Works (DPW) and the Department of Community Planning and Development (CP&D), which has been granted the authority to develop engineering design standards and enact programs and policies to ensure compliance with State and Federal laws for the purposes described above. A detailed description of the law, regulations, and assigned authorizations to Richland County is provided below.

## Clean Water Act

Federal Water Pollution Act, as amended by the Clean Water Act (CWA) requires the reduction of water pollution and gave EPA the congressional authority to develop programs to improve the health of navigable waters. EPA in response developed regulations that created a program of discharge permits as part of the National Pollutant Discharge Elimination System (NPDES) to regulate point source from a variety of discharges. The 1987 amendments to the CWA extended NPDES permits to industrial discharges, including stormwater runoff associated with land disturbing activity. The 1987 CWA Amendments also require NPDES permitting for stormwater runoff from urbanized areas. A municipal separate storm sewer system (MS4) NPDES permit is required based on population. Authority to administer the NPDES permit program was delegated to state agencies, such as DHEC and the EPA.

## South Carolina Pollution Control Act

South Carolina Pollution Control Act (PCA) (S.C. Code Ann. §§ 48-1-10 et seq.) was originally enacted in 1950 and was last amended in 1970 during the initial stages of the environmental movement. It was written very broadly and is applicable to essentially any activity that could negatively impact the environment by requiring attainment of a permit and implementation of measures to mitigate potential impacts.

## South Carolina Stormwater Management and Sediment Reduction Act

The South Carolina Stormwater Management and Sediment Reduction Act of 1991 (SMSRA) (S.C. Code Ann. §§ 48-14-10 et seq.) was enacted to address the increase in stormwater runoff rate and quantity, the decrease of rainwater infiltration, and the increase in erosion associated with the extensive urban development that has been occurring throughout the state. Richland County was authorized to implement the requirements of this Act and its associated regulations through delegated review development and implementation of a Stormwater Management Program (SWMP), and other



measures deemed necessary. The Act gave legislative authority to SCHEC to enact programs to meet its purpose. This authority has also been given the local governments to administer the necessary steps to address stormwater impacts on waters of the State.

### Description and Use of the Manual

The Manual is developed under the assumption that the user possesses a basic understanding of stormwater control design, construction, or land development depending on the user's particular area of expertise. The Manual provides those groups and others with required information for proper formatting of application packages on proposed land disturbance activities in Richland County. Users of this Manual who are not justly qualified by education or experience in the fields of stormwater control design, construction, or land development should consult with a qualified professional in one or more of these areas prior to planning for land disturbance activities.

This Manual is not intended to be a systematic design methodology that addresses every land development situation that may occur in Richland County, nor is it a detailed reference for the various methods and procedures used in the design process. The application of engineering principles and judgment combined with the information contained within this and other referenced material are necessary to successfully complete the planning, design, and preparation of documents for acquiring a land disturbance permit. References to guidance documents from federal, state, and local agencies are given throughout the Manual to provide additional information to users.

This Manual is not intended to restrain or inhibit engineering creativity, freedom of design, or the need for engineering judgment. When shown to be applicable, it is encouraged that new procedures, techniques, and innovative stormwater BMPs be submitted. The use of such approaches should be substantiated with submitted documentation by design professionals showing that the proposed design is equal to, or exceeds, the traditional procedures in terms of performance and economic feasibility.

### Updates to the Manual

This Manual is intended to be a working document. As design technology and criteria evolve or change or it becomes evident that additional measures are needed to ensure the public general welfare, the Manual will be updated. Updates will always include oversight by a process that involves a stakeholder's group.

**Table 1** contains an errata table to log changes that have been made to the document since the initial release of the Richland County Land Development Manual. All changes noted in the table have been made to this version of the Land Development Manual and reflect the latest and most correct information available at the time of updating.



**Table 1: Errata Table**

(Chapter) Section: Subsection if Applicable	Description	Revision
(All) General Updates Throughout	Updated organization/phrasing of existing information, formatting, department names, and Appendices to improve clarity and readability.	2020
(3) Downstream Analysis	Added requirements for downstream analysis for new development and re-development sites.	2020
(3) Post-Construction Water Quality Design Standards	Added post-construction water quality design standards and reference to the IDEAL Model as the preferred method of demonstrating standard compliance.	2020
(3) Types of Storage: Parking Lot Storage	Parking Lot Storage requirements updated, limited to sites under ½ acre.	2020
(3) Selection of Permanent BMPs, Acceptable Post-Construction Water Quality BMPs	Removed references to “water quality volume” and added directions for BMPs to meet water quality requirements described in Post-Construction Water Quality Standards section.	2020
(6) Storm Sewer Design Criteria: Vegetated Channels	Provided more detailed design guidance about when to use various erosion protection measures.	2020
(7) Road Right-of-Way Widths	Updates made to road right-of-way widths for various road types.	2020
(7) Road Geometric Design, Visibility at Intersections	Content from Richland County Road Design Standards added to the LDM to provide context for existing table references.	2020
(7) Road Subgrade and Pavement Structure Requirements	Updates made to pavement layer requirements to be Modified SCAPA Standards.	2020
(8) Materials and Equipment, Roadway Repairs	Requirement added for Geotechnical Firm lab certification credentials.	2020
(9) Inspections and Enforcement	General updates to reflect current County inspection and enforcement processes and match Land Development Code.	2020
(10) Closeout (Project Completion), (11) Warranty Period	Updated warranty and bond requirements.	2020
(Definitions) C-SWPPP	Added definition for C-SWPPP.	2020
(Definitions) Land Development Manual	Updated definition of Land Development Manual to establish that it is to be used synonymously with “BMPs Design Manual” and “Stormwater Design Manual” that are defined in the Land Development Code.	2020



<u>(Chapter) Section: Subsection if Applicable</u>	<u>Description</u>	<u>Revision</u>
<u>(All) General Updates Throughout</u>	<u>Updates made for consistency with the 2024 Land Development Code, State Law, and clarification of existing content.</u>	<u>2024</u>
<u>(3) Infiltration BMP Design Requirements</u>	<u>Updated content to streamline infiltration BMP testing requirements.</u>	<u>2024</u>
<u>(6) Easements proposed for public dedication</u>	<u>Updates made to reflect Richland County's current easement dedication policy.</u>	<u>2024</u>
<u>(7) Road Geometric Design, Visibility at Intersections</u>	<u>General updates to reference SCDOT and FHWA requirements for horizontal and vertical curves.</u>	<u>2024</u>





## Chapter 2: Project Classifications

### Project Types

#### **Commercial Development (Major)**

Commercial projects that meet or exceed the threshold of 100,000 square feet of non-residential floor space or involve the development of 150 or more multi-family residential dwelling units, lots, or manufactured home spaces in a manufactured home district are considered Major.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

#### **Commercial Development (Minor)**

A project is defined as Minor if projects are less than the threshold of 100,000 square feet of non-residential floor space or have less than 150 or more multi-family residential dwelling units, lots, or manufactured home spaces in a manufactured home district. However, if a phased project would reach the thresholds for a Major land development within a five-year period, then the project shall be treated as a Major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development.

#### **Residential Development (Major)**

A Residential Development is considered Major when it involves 50 or more single-family residential dwelling units or lots or when land for open space or other public purpose is to be dedicated to the County.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole. The checklist and application for Major Residential Developments can be found in [Appendix B: Major Residential Development Forms](#). ~~Appendix B: Major Residential Development Forms.~~

#### **Residential Development (Minor)**

A project is defined as Minor if projects are less than the maximum threshold of 50 single-family residential dwelling units. However, if a phased project would reach the thresholds for a Major land development within a five-year period, then the project shall be treated as a Major land development, regardless of the size of the individual phases. To be considered a Minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development.



### **Linear Utility**

Linear Utility projects occur in County-owned right-of-way, as well as private roads. Land disturbing activities in the right-of-way include but are not limited to: installation of utilities, driveway connections involving a curb cut or pipe installation, curb cuts, utility taps, utility crossings, and storm drainage installation.

A Linear Utility Permit is required for all linear construction greater than 50 linear feet within or affecting the right-of-way of any County maintained road. The Linear Utility Permit Application can be found in [Appendix C: Linear Utility Permit Application](#)~~Appendix C: Linear Utility Permit Application.~~

### **Encroachment Permit**

An encroachment permit is required for any work proposed in the County Roadway, to include utilities, driveway installation and/or modification, storm drainage installation and/or modification, open cuts, pavement structure repairs, etc. The encroachment permit is reviewed and issued by the Department of Community Planning & Development and will include coordination with the Department of Public Works.

Encroachment Permits must include an anticipated date of completion. If the work is minor in scope, the review may be conducted by the Department of Public Works exclusively. The Encroachment Permit Application can be found in [Appendix D: Encroachment Permit Application](#)~~Appendix D: Encroachment Permit Application.~~

### **Application Process**

The first step to obtain a Land Disturbance Permit is to log in to *Trakit* and apply for a “Project” as described in the following Submittal Process section.

**Note:** Encroachment Permits and Individual Lot NOIs will be applied for as a “Permit” as described in the Permitting Procedures section (skip Submittal Process section). Instead of selecting Land Disturbance Permit in the drop-down menu, select the appropriate Permit. ~~The Individual Lot NOI can be found in Appendix E: Individual Lot Notice of Intent.~~

### **Submittal Process**

The submittal process is summarized by the flow chart in [Figure 1: Submittal Process Flow Chart](#)~~Figure 1: Submittal Process Flow Chart.~~

All documentation that is required to meet the minimum DHEC standard for issuance of a NPDES permit needs to be uploaded with the project. The requirements for plan submittal can be found in [Appendix E: Residential Plan Requirements](#)~~Appendix F: Residential Plan Requirements.~~

At a minimum:

1. Notice of Intent (NOI)
2. C-SWPPP (Include all calculations)
3. Construction Plans



4. Permanent Stormwater Maintenance Agreement and Plan
5. DHEC Checklist for Design Professionals
6. Any encroachment permit applications sent to outside Agencies (Include all Exhibits)

**Note:** Engineering Review will be delayed/disapproved if all required documents are not submitted as a complete package. The Plan Review Revision Form can be found in [Appendix F: Plan Review Revision Form](#) [Appendix G: Plan Review Revision Form](#).



Figure 1: Submittal Process Flow Chart

## Permitting Procedures

The land disturbance permit process is summarized in the flow chart in **Figure 2**.



**Figure 2: Land Disturbance Permit Process Flow Chart**

Once the Project has been approved and the DHEC NPDES approval letter has been issued, log in to *Trakit* and apply for a “Permit”. This is an administrative function that will inform Richland County that a pre-construction meeting is being requested. Instructions are as follow:

1. In the drop-down menu select “Land Disturbance”.
2. Input all pertinent information.  
**Note:** Project Description should be the same name that was used when the project was submitted.
3. Upload the NPDES letter and all outside agencies approved permits (e.g., SCDOT encroachment, USACE) to the permit.
4. The applicant will be notified dates/times that are available to schedule the pre-construction meeting.  
**Note:** The developer/owner, engineer, contractor and third-party inspector are required to attend the pre-construction meeting.
5. At the conclusion of the meeting, all approved/stamped construction documents will be available for download. At that time any building permits will be able to be issued as well.

**Note:** This is an administrative function only. Once it is confirmed that the DHEC NPDES coverage letter has been attached to the Permit, a pre-construction meeting can be scheduled. If the Project is less than an acre and not part of a Larger Common Plan, there will not be any DHEC NPDES coverage letter required.

#### **Land Disturbance Permit**

A land disturbance permit (LDP) is required for any land-disturbing activity, to include all improvements to land as defined in the Richland County Land Development Ordinance. The LDP is issued by the Department of Community Planning & Development after the project is approved by all required divisions and outside agencies (if applicable). The land disturbance permit has an expiration of two (2) years. If no land disturbance occurs within two (2) years of issuance, the permit shall expire and



be deemed invalid.

If no land disturbance occurs within two (2) years of issuance, the developer can renew the permit with a written request to the Department of Community Planning & Development (c/o Engineering Services) and attend a new mandatory pre-construction meeting; an updated permit will be issued.

The Land Disturbance Permit is issued at the required pre-construction meeting. Upon approval of the project, the developer and Engineer-of-Record will receive an email stating that the project is approved, and a pre-construction meeting can be requested. The developer or Engineer-of-Record can login into the Permitting Software system and "Apply" for the Land Disturbance Permit and indicate a preferred date and time to meet. The request will be acknowledged within 24 hours, and a representative will call to complete the scheduling of the pre-construction meeting.

Pre-construction meetings are held in the office on site. For projects disturbing 10 acres or more, a required on-site meeting must occur. In some cases, the Department can coordinate with the contractor to satisfy all meeting requirements. If the meeting cannot take place on site, justification must be provided. The following representatives are required at the pre-construction meeting:

- Developer/Owner
- Grading Contractor
- Engineer-of-Record
- Third-party SWPPP Inspector

The following items are discussed at the pre-construction meeting:

- Project Construction
- Stormwater Pollution Prevention Plan (SWPPP)
- County Expectations
- Enforcement
- Communication
- Permitting Software System

### Permitting Software Guidelines

All submittals are to be made using the eTrakit electronic system. Guidelines for submission can be found in the eTrakit User Manual on the County website.

### Fees

The Richland County fees for land development are available via the County website, as described below in Table 2. The County reserves the right to revise the fees as deemed necessary by the Department of Community Planning and Zoning.



**Table 2:- Land Development Fees**

Fee Type	Fee Description	
Engineering Inspection:	\$368.59 flat fee added to all Projects	
Commercial Development (Major/Minor):	For the first 15,000 sq. ft.:	\$210.00 plus \$0.20/square foot
	For 15,001 to 60,000 sq. ft.:	Add \$0.15/square foot
	For 60,001 sq. ft. and up:	Add \$0.10/square foot
If Commercial Project is multi-family:	\$526.55 plus \$10.53/Unit	
If Commercial Project is a Communication Tower:	\$210.62 plus 1% of the construction cost	
Residential Development (Major):	For Lots 1-80:	\$421.25 plus \$16.86/Lot
	For Lots 81 or more:	Add \$8.42/Lot



## Chapter 3: Stormwater Management General Design Requirements

### Special Protected Areas

When designing for maximum water quantity, erosion prevention, sediment control, and water quality benefits, the design professional should take the following considerations in mind:

- Stormwater quantity and quality are best controlled at the source of the problem by reducing the potential maximum amount of runoff and pollutants.
- Best site design techniques implement stormwater management by using simple, nonstructural methods along with or in place of traditional stormwater management structures when applicable.
- Conservation of site resources and natural undisturbed areas helps to reduce the post development runoff volume and provide areas for natural stormwater management. Some natural site resources that should be maintained include, but are not limited to:
  - Natural drainage ways,
  - Vegetated buffer areas along natural waterways,
  - Floodplains,
  - Areas of undisturbed vegetation,
  - Low areas within the site terrain, and
  - Natural forested infiltration areas and wetlands.

### Low Impact Site Layout Techniques

Lower impact site layout techniques involve identifying and analyzing the location and configuration of structures on the site to be developed. Where applicable, the following options that create lower impacts layouts should be used:

- Fit the design layout to follow the natural contours of the site to minimize clearing and grading and preserve natural drainage ways.
- Limit the amount of clearing and grading by identifying the smallest possible area on the site that would require land disturbance.
- Place development areas on the least sensitive areas of the site.
- Utilize nontraditional lot designs for residential areas to reduce the overall imperviousness of the site by providing more undisturbed open space by minimizing clear-cutting.
- Utilize vegetated buffers and undisturbed areas on the site to control sheet flow (not concentrated flows) by providing infiltration, runoff velocity reduction, and pollutant removal.
- Where ditched roadways are not practicable, curb and gutter systems may be combined with vegetated swales at outfalls to provide added water quality benefits versus the traditional piped outfall designs.
- When applicable, direct rooftop runoff to pervious natural areas for water quality treatment and infiltration instead of connecting rooftop drains to roadways and other structural stormwater conveyance systems.



## Hydrology and Hydraulics

The design of properly sized storm drainage facilities requires knowledge of the hydrologic behavior of the watershed(s) in question. For small watershed areas, it is adequate to estimate the peak discharge of the drainage area for the required design frequency using the rational method. Larger, more complicated watersheds require the use of models in order to estimate the discharge hydrograph.

Every model has certain limitations that will affect its behavior for different size drainage areas. The designer should be familiar with the limitations of the method used. In general, street drainage and small drainage areas (less than two (2) acres) can be modeled using the rational method. Larger areas can be modeled using methods developed by the Natural Resources Conservation Service. Many hydrologic methods and models are available determining peak runoff rate and runoff volumes. Richland County will accept commonly used hydrologic and hydraulic computers models. If other methods are used, they should first be calibrated to local conditions and tested for accuracy and reliability. Any assumptions used in the computations shall be clearly identified. The computation results shall be presented in a format that will provide confirmation of the results.

## Rainfall Frequency

The rainfall frequency, or return period, is the average time interval between equal magnitude storms. The rainfall frequency to be used in storm drainage design in Richland County varies with the watershed size for the drainage structure under consideration, rounded to the nearest acre, as presented in **Table 3**.

**Table 2: Design Storm Recurrence Interval**

Watershed Size (acres, rounded to the nearest acre)	Design Storm Recurrence Interval (years)
0 to 40	10-year; 25-year for ditches and channels
41 to 100	25-year
101 to 300	50-year
301 and larger	100-year

In addition, the 100-year rainfall is required for determination of minimum building elevations, floodplain boundaries, etc.

**Note:** This is not applicable for just the disturbed acres but the entire drainage area of the contributing watershed. A watershed map clearly showing the area is required with the submittal.





## Rainfall

The storm duration for computational purposes shall be the 24-hour rainfall event; SCS Type II distribution with a 0.1-hour burst duration time increment. **Table 4** contains the 24-hour rainfall depths for the 2-, 10-, 25-, 50-, and 100-year rainfalls for Richland County.

**Table 3: Richland County 24-Hour Rainfall Depths for Type II Storm Events (Inches)**

2-yr	10-yr	25-yr	50-yr	100-yr
3.6	5.3	6.4	7.3	8.3

## Rational Method

The design discharge rate for a single pipe or culvert that is not part of a pipe network or system draining a watershed of two (2) acres or less may be calculated using the rational method. In general, for larger areas the rational method will yield over-simplified results.

When using the rational method some precautions should be considered:

- In determining the C value (land use) for the drainage area, hydrologic analysis should take into account any changes in land use.
- The rational method uses a composite C value for the entire drainage area. If the distribution of land uses within the drainage basin will affect the results of hydrologic analysis, then the basin should be divided into two or more sub-drainage basins for analysis.

The charts, graphs, and tables included in this section are given to assist the designer in applying the rational method. The designer should use good engineering judgment in applying these design aids and should make appropriate adjustments when specific site characteristics dictate that these adjustments are appropriate.

The rational method is based on the assumption that rainfall is uniformly distributed over the entire drainage area and at a steady rate, causing flow to reach a maximum at the outlet to the watershed at the time to peak (Tp). The rational method also assumes that all land uses within a drainage area are uniformly distributed throughout the area. If it is important to locate a specific land use within the drainage area, then another hydrologic method should be used where hydrographs can be generated and routed through the drainage system.

The rational formula estimates the peak rate of runoff at any location in a watershed as a function of the drainage area, runoff coefficient, and mean rainfall intensity for a duration equal to the time of concentration (the time required for water to flow from the most remote point of the basin to the location being analyzed).



The rational formula is expressed as follows:

$$Q = CiA$$

Where:

- $Q$  = discharge rates (cubic feet per second)
- $C$  = runoff coefficient for the watershed
- $i$  = rainfall intensity (for duration equal to time of conc.) (inches per hour)
- $A$  = area of watersheds contributing to the design location (acres)

#### **Rainfall Intensity ( $i$ )**

Rainfall intensity ( $i$ ) is the average rainfall rate, in inches per hour, for duration equal to the time of concentration for a selected rainfall frequency. Rainfall intensities may be computed using the following formula:

$$i = \frac{a}{(b + t_c)^c}$$

Where:

- $i$  = rainfall intensity (inches per hour)
- $t_c$  = time of concentration (minutes)
- $a$ ,  $b$ , and  $c$  are coefficients as included in **Table 5**:

**Table 4: Rainfall Intensity Coefficients (a, b, c)**

Recurrence Interval (years)	a	b	c
2	244.34492	34.95806	1.03155
5	258.50572	32.75684	1.01773
10	267.54247	31.39986	1.00904
25	279.77346	29.59043	0.99735
50	288.71309	28.26125	0.98879
100	296.66217	27.04859	0.98111

Source: South Carolina Department of Transportation, Columbia area:  
[https://www.scdot.org/business/pdf/stormwater/rainfall\\_intensity.pdf](https://www.scdot.org/business/pdf/stormwater/rainfall_intensity.pdf) or latest update



Alternatively, rainfall intensities (*i*) may be selected using **Table 6**:

**Table 5: Richland County Rainfall Intensities (i) (Inches per Hour)**

Time of concentration ( $t_c$ ) (minutes)	Recurrence Intervals (years)				
	2	10	25	50	100
5	6.36	8.14	9.13	9.92	10.70
10	5.08	6.51	7.27	7.91	8.5
15	4.26	5.49	6.15	6.67	7.16
30	2.94	3.98	4.55	5.03	5.48
60	1.85	2.59	3.03	3.40	3.78

Source: NOAA Atlas 14 Point Precipitation Frequency Estimates for SC, Columbia Airport:  
[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=sc](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=sc) or latest update

#### **Time of Concentration**

The time of concentration ( $t_c$ ) shall be determined by calculating the time for a particle of water to travel from the hydraulically most remote point of the project area to the point of interest. Richland County will accept commonly used time of concentration calculations and methodologies.

The storm duration shall be equal to the time of concentration ( $t_c$ ) of the contributing drainage area, with a minimum time of concentration equal to five (5) minutes.

The maximum allowable overland (sheet flow) flow paths are 100 feet in urban areas and 300 feet in rural areas.

#### **NRCS (SCS) Unit Hydrograph**

Runoff calculations involving any watershed greater than two (2) acres, multiple sub-watersheds or multiple drainage inlets and pipes must be analyzed using computer or numerical models that model complex hydrologic and hydraulic watershed responses. Models that incorporate the NRCS/SCS unit hydrograph methodology are acceptable.

The County reserves the right to require verification of hydrologic computations by use of a second computational method at its discretion. The County may require drainage systems to be designed assuming future conditions or build-out of the contributing watershed.

Pond routing is required for computing flow rates through detention ponds. Multiple methods, including the NRCS routing methods are accepted. The quantity of runoff in the NRCS method can be attributed to several factors. Watershed slope, soil type, ground cover, and antecedent moisture content all affect the quantity of runoff.



### **Change in Storage Equation**

Hydrologic routing is used to model the change in storage in a detention facility by comparing inflow and outflow at small increments in time.

### **Inflow Hydrograph Formulation**

The nature of impoundment basin routing is such that the inflow to the basin must be described in small time increments. In order to accomplish this, an inflow hydrograph must be formulated for each of the design storm events. If one of the more complex hydrologic methods is used to determine discharge from the drainage area, the inflow hydrograph is already available and can be used for the routing. If only the peak discharge has been determined, a hydrograph must be formulated based on that peak.

It is widely accepted that storms in Richland County can generally be described by the SCS Type II storm distribution.

Soil types are divided into four (4) major hydrologic soil groups (HSG) denoted by the letters A through D. HSG A soils are those which have high infiltration capacity and subsequently low runoff rates. HSG D soils are those with very low infiltration capacity and very high runoff rates. Soil data for soils common in South Carolina and Richland County can be found at USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> or latest update).

For the purposes of the NRCS method, antecedent moisture content (AMC) is divided into dry, normal, and wet conditions based on the rainfall in the prior five (5) days. If the five-day antecedent rainfall is greater than 2.1 inches in the growing season or 1.1 inches in the dormant season, the moisture content is presumed wet (AMC III). If the five-day antecedent rainfall is less than 1.4 inches or 0.5 inches respectively, it is presumed dry (AMC I). Typical posted runoff curve numbers are based on normal conditions (AMC II). For design of proposed facilities, normal conditions are generally used.

Curve number values shall be based on NRCS Technical Release 55 (TR-55), *Urban Hydrology for Small Watersheds* publication, Table 2-2. The specific land use and condition should be clearly listed for each subwatershed in the analysis.

### **Watershed Areas**

On-site watershed areas (drainage area maps) shall be determined from the topographic maps of the proposed development. This topographic map, with the watershed area delineated for each drainage structure, is to be submitted to the County Engineer's office together with the drainage plans and calculations for any project requiring the review and approval of that office.

In all cases, drainage systems shall be designed to accommodate the runoff from those portions of the natural watershed located off-site as well as on-site areas. For developments with multiple phases and/or anticipated future development, commercial or residential, the future use of any undeveloped land located in off-site watershed areas shall be evaluated by considering such factors as zoning,



location relative to transportation facilities, and nearby development trends. Runoff coefficients and curve numbers appropriate to the expected future land use of off-site watershed areas are to be used in all drainage calculations and design.

### **Downstream Analysis**

The purpose of this section is to identify potential problem areas and show by calculations that the proposed development will not make the existing downstream conditions any worse.

Downstream analysis shall be required for all new development and re-development sites unless the County Engineer or designee determines it is not required. In some cases, the design professional may verify that stormwater quantity controls may adversely impact downstream conditions. Therefore, downstream analysis shall be performed prior to sizing stormwater quantity control structures to determine the extent of the controls to be implemented. Downstream analysis may show that more stringent controls need to be implemented to effectively prevent any adverse downstream impacts.

The downstream peak flow analysis shall include the assumptions, results, and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each discharge point along the project site's boundaries at which runoff exits the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a selected point of concern. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned or known future upstream land use changes.

### **Downstream Analysis Limits**

Hydrologic and hydraulic engineering analysis shall be implemented to determine the downstream effects from any development activity. This analysis shall extend downstream to a specific point of concern. The point of concern may be identified by the County Engineer. The following are typical points of concern:

- The point downstream where the development represents less than 10 percent of the total drainage of the watershed,
- The first downstream road crossing,
- Downstream development,
- Downstream receiving waterbody,
- Location of known existing flooding, drainage, or erosion problems, and
- Any point as directed by the County at the pre-application meeting.



The primary areas of analysis shall be done for the following:

- The development area,
- All drainage exits points from the property,
- The receiving channel or storm drainage system at the exit points, and
- Each component of the downstream system including:
  - Channels
  - Pipes
  - Culverts
  - Bridges
  - Overbank areas
  - Overbank structures

If there is any discrepancy or question about points of concern, please contact the County for a pre-application meeting. The County reserves the right to request a pre-application meeting at its discretion.

#### **Downstream Analysis Design Storm Events**

The downstream analysis shall determine whether the design storm events of interest (2-, 10-, and 25-year) cause or increase flooding, drainage, or erosion impacts to downstream properties or road crossings. The analysis criteria shall include but is not limited to:

- Existing land use curve numbers shall be used for undeveloped and developed areas upstream;
- Where future development areas are known upstream, the County Engineer may require these areas to be considered developed in the future land use condition;
- Existing land use for downstream areas of interest may be used, but future land use, when applicable, is recommended for conservative results;
- Routing of flows using accepted hydrologic and hydraulic methods;
- Hydraulic step-backwater calculations (Corps of Engineer's HEC-2 or HEC-RAS models or equivalent) shall be performed to determine flood elevations of any downstream impacted areas; and
- The effects of any upstream and proposed stormwater quantity or quality structures.

#### **Improvement Options**

If the downstream analysis determines that the development of a particular site does contribute to flooding, drainage, or erosion problems, then at least one the following improvements shall be implemented:

- On-site water quantity control,
- Off-site water quantity control, and
- Improvements to the downstream stormwater conveyance system.



## Post-Construction Water Quality Design Standards

Best Management Practices (BMPs) are required to control and minimize water quality degradation resulting from post-construction land uses. These BMPs shall be designed according to one of the two Richland County Water Quality (WQ) Design Standards, shown in **Table 7**.

**Table 6: Richland County Water Quality Design Standards**

Water Quality Design Standard	Non-sensitive Watersheds	Sensitive Watersheds <sup>1</sup>
<b>WQ Design Standards #1:</b> Water Quality Storm Event Design Standard	Manage the runoff from the Water Quality Storm Event	
<b>WQ Design Standard #2:</b> TSS Removal Design Standard <sup>2</sup>	Obtain 85% removal efficiency of the annual TSS loading	Demonstrate that the annual post-development pollutant loading does not exceed the annual pre-development pollutant loading for the pollutant(s) of concern

1. Sensitive watersheds include TMDL, 303(d), or other sensitive watersheds as determined by the County.
2. A Hardship Exemption may be approved in exceptional circumstances such that the TSS Removal Design Standard results in unnecessary hardship and does not fulfill the intent of the requirement. See Hardship Exemption Criteria section below.

Site-specific factors (location within the County, soil type, groundwater table depth, available space, and other constraints) will dictate the feasibility of meeting each specific Design Standard. It is the responsibility of the designer to select and demonstrate compliance with Richland County WQ Design Standard requirements, as laid out in this section. For further guidance refer to [Appendix G: Stormwater Management Design Guidance Document](#) ~~Appendix H: Stormwater Management Design Guidance Document~~.

### **IDEAL Model**

In an effort to aid the design community as well as assist the County in meeting the MS4 permit goals, the County has developed and made available the IDEAL model (software application). Selection of a particular BMP to achieve the required pollutant removal efficiency shall be determined through the use of the IDEAL model, or through the review of monitoring studies of similar BMPs, applicable computation methods and other methodologies as deemed acceptable by the County Engineer. For further guidance on the IDEAL model refer to [Appendix G](#) ~~Appendix H~~.

### **WQ Design Standard #1: Manage the Water Quality Storm Event Design Standard**

This Richland County performance standard defines BMP effectiveness in terms of managing (infiltrating) the runoff from the majority of storm events, characterized by the Water Quality (WQ) Storm Event.



The WQ Storm Event is defined as:

- A. The 90th percentile storm, or the storm with a 24-hour rainfall amount that is greater than or equal to 90 percent of storms based on historical data.
- B. The 1.4-inch, 24-hour duration, NRCS Type II storm event.

BMPs shall be designed (using the IDEAL model) and constructed to manage (infiltrate) the runoff generated by the WQ Storm Event from the developed or redeveloped portion of the site. This infiltration shall occur within 72 hours of the end of the storm event.

This is typically the most feasible Design Standard in areas with sandy soil types (i.e., Sand, Loamy Sand, Sandy Loam) with higher infiltration rates and should be the primary methodology utilized by sites in those areas.

For site constraints, soil conditions, or groundwater table conditions which do not permit the infiltration of the WQ Storm Event within a 72-hour period after the storm event, the County will approve BMPs meeting the TSS Removal Standard, described in the following section.

#### **WQ Design Standard #2: TSS Removal Design Standard**

This Richland County performance standard defines BMP effectiveness in terms of removal of total suspended solids (TSS) from polluted stormwater. Water quality impairment results, in part, because a number of pollutants are preferentially adsorbed onto mineral or organic particles found in fine sediment. The interconnected process of erosion (detachment of the soil particles), sediment transport, and delivery is therefore an important conduit for introducing other key pollutants, such as nutrients (particularly phosphorus), metals, and organic compounds into surface waters. Pollutants also exist in particulate forms which may be transported through the same processes as sediment and trapped along with sediment. Thus, TSS is a good indicator for many stormwater pollutants in evaluating a BMP's effectiveness in pollutant removal.

Richland County has adopted a BMP performance standard that requires all permanent BMPs be designed (using the IDEAL model) and constructed to accommodate the expected sediment loading from post-construction land use with a removal efficiency of 85 percent of total suspended solids (TSS) based on an annual removal basis.

This Design Standard is typically the most feasible Design Standard in areas with silt/clay type soils (i.e., Clay, Silty Clay, Silty Clay Loam, Clay Loam, Silt Loam, Silt) where infiltration is infeasible or problematic and should be the primary methodology utilized by sites in those areas.

Sites that cannot achieve 85 percent removal efficiency of annual TSS loadings due to very low initial TSS loads or other site constraints may be applicable to meet the Hardship Exemption Criteria.

#### **Sensitive Watersheds**





For sites utilizing the TSS Removal Design Standard which are in TMDL, 303(d), or other sensitive watersheds, designers must also show that the annual post-development pollutant loading does not exceed the annual pre-development pollutant loading for the pollutant(s) of concern.

### Hardship Exemption Criteria

The Department of Community Development and Planning Staff may approve a Hardship Exemption if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the TSS Removal Design Standard requirement results in unnecessary hardship and does not fulfill the intent of the requirement. A written request should be provided to the Department of Community Development and Planning Staff that states the reason with supporting data. The Department of Community Development and Planning Staff may not grant an approval unless and until sufficient specific reasoning to justify the exception is provided by the applicant. The Department of Community Development and Planning typically conducts its review of the request for exemption approval within 17 working days.

The required Hardship Exemption criteria are:

- The designer demonstrates that by the nature of the development, it is impractical to reduce the size of the facility and parking area;
- The designer shows that there is no space for additional stormwater treatment practices other than proprietary devices;
- All pervious areas are designed to produce the least amount of runoff practicable;
- Sensitive watershed requirements, if applicable, are met; and
- The designer utilizes the IDEAL model to demonstrate that the annual post-development TSS loading leaving the site is no more than 600 pounds/acre/year.

Sensitive watershed requirements for sites receiving a Hardship Exemption are the same as when utilizing the TSS Removal Design Standard. The designer should show that the annual post-development pollutant loading does not exceed the annual pre-development pollutant loading for the pollutant(s) of concern.

### Receiving Waters with TMDLs or Impairments

If an impaired or TMDL water with a pollutant of concern applicable to stormwater discharges from the proposed land development has been established and is in effect, then the SWPPP should address the following, depending on the total disturbed area.

#### **Disturbed area less than 25 acres:**

For construction projects that disturb less than 25 acres, carefully evaluate all selected BMPs and their ability to control the pollutant(s) of concern.

#### **Disturbed area greater than or equal to 25 acres:**

Construction projects that disturb 25 acres or more require a **written quantitative and qualitative assessment** showing that the selected BMP controls the discharge of the pollutant, or pollutants, of concern from construction and post construction within a TMDL watershed, or to a water on the



### 303(d) List of Impaired Waters.

Design professionals should determine whether runoff from the proposed land development contains pollutants that are already causing impairment of the adjacent waterbody. These pollutant discharges vary from site to site.

If stormwater runoff from the proposed land development contributes pollutants that already cause water quality impairment, the design professionals should demonstrate to the extent practicable that the measures and controls to be implemented prevent further problems to the impairment.

The IDEAL model should be used by designers to calculate the annual loading for the pollutant(s) of concern for the pre-developed condition as a baseline and compare the baseline to the developed annual loading condition. No increase in annual loading of the pollutant(s) of concern provides a quantitative assessment showing that the selected BMP(s) control the discharge of the pollutant(s) of concern.

Alternative approaches, methodologies and solutions may be allowed; however, it is incumbent on the designer proposing an alternative to adequately demonstrate both the effectiveness and equivalency of that alternative.

For pollutants causing impairment for which a numeric water quality standard has been adopted (fecal coliform, pH, metals), calculations should be performed and submitted showing that the pollutants in the runoff from the development site should not exceed the applicable in-stream water quality standards. The runoff discharged through the last water quality BMP should have a water quality level equal to or better than the in-stream standard.

The design professional should demonstrate to the extent practicable in a different manner when the water quality impairment is not a pollutant itself but is affected by a pollutant that can be regulated such as dissolved oxygen levels are affected by biochemical demand. In these situations, a reasonable approach to show that runoff should not further degrade the adjacent impaired waterbody is to show that the post-development loading of a particular pollutant is less than or equal to pre-development loading.

This demonstrates to the extent practicable that there should be no net increase of loading of that particular pollutant and no further lowering of the water quality standard. In most cases, the effectiveness of the designed water quality BMPs should not require water quality sampling. However, for certain situations, it may be required for the applicant or landowner to collect monitoring data to confirm the effectiveness of the BMPs.

### Pre-Treatment Practices

Pre-treatment practices for post-construction BMPs improve BMP function and reduce the overall maintenance requirement. Typical pre-treatment methods are forebays and manufactured treatment devices. Pre-treatment is recommended for all post-construction BMPs. Pre-treatment is



strongly recommended for industrial and commercial projects due to the tendency for pollutants from these sites to hinder the function of post-construction BMPs (e.g., clogging due to trash, surface sealing due to oil and grease that hinders infiltration).

### BMP Pollutant Removal

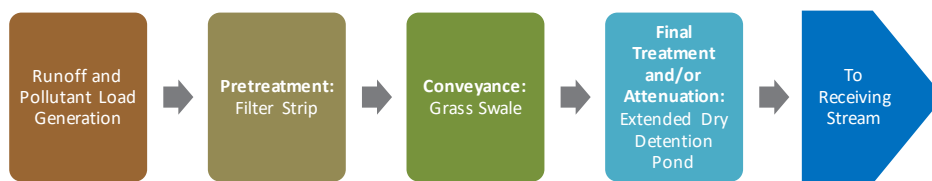
BMPs can be used independently as the “only” management practice employed for a specific area or combined as components in an overall BMP plan, frequently called a stormwater “treatment train”. Estimation of BMP efficiency (i.e., the pollutant removal rate) for a single BMP measure is simple and straightforward.

For two or more BMPs used in series, the pollutant removal rates are not additive. For example, for two (2) BMPs in series, the second BMP will function very differently than if it was the only BMP used to treat the polluted stormwater. The first BMP will capture the more easily removed larger particle sizes, passing on an outflow with a lower concentration, but with a considerably higher proportion of finer particle sizes.

Upstream BMPs in a treatment train thus reduce downstream structural control average pollutant removal percentages. When calculating removal of pollutants to achieve a target, the removal efficiency of a downstream control must be reduced to account for the pollutant removal achieved by an upstream control(s).

As an alternative to these calculations, computer models such as the IDEAL model are capable of calculating site-specific pollutant removal for a stormwater treatment train of BMPs.

**Figure 3** provides an example of a stormwater treatment train including a filter strip, grass swale, and extended dry detention pond. This can be modeled in the IDEAL model or estimated in the manner described below.



**Figure 3: Example of a Stormwater Treatment Train**

To estimate the pollutant removal rate of structural controls in series, a method may be used in which the removal efficiency of a downstream structural control is reduced to account for the pollutant removal of the upstream control(s). The following steps are used to estimate the pollutant removal:

1. For each drainage area list the structural controls in order, upstream to downstream, along with their expected average pollutant removal rates for the pollutants of concern.



2. Apply the following equation for calculation of approximate total accumulated pollution removal for Controls in series:

$$\text{Final Pollutant Removal} = (\text{Total load} \times \text{Control 1 removal rate}) + (\text{Remaining load} \times \text{Control 2 removal rate}) + \dots \text{for other Controls in series}$$

Table 8 demonstrates these calculations for the example stormwater treatment train presented above in Figure 3.

Table 7: Stormwater Treatment Train Calculations

State in Stormwater Treatment Train	Inflow Pollutant Load	X	Pollutant Removal Efficiency	=	Remaining Pollutant Load (%TSS)
Runoff and Pollutant Load Generation	=		=		100%
Pretreatment: Filter Strip	100%	X	50%	=	50%
Conveyance: Grass Swale	50%	X	30%	=	15%
Final Treatment and/or Attenuation: Extended Dry Detention Pond	15%	X	45%	=	7%
Initial TSS Load					100%
Final TSS Load					7%
TSS Removal Efficiency					93%

## Water Quantity Design Requirements

Water quantity control is an integral component of overall stormwater management. The following design criteria for flow control are established for water quantity control purposes:

- Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2-, 10-, and 25-year frequency, 24-hour duration storm event at all existing and proposed points of discharge from the site. The County may require a less frequent storm event (e.g., 50- or 100-year, 24-hour) to address existing or future stormwater quantity or quality problems.
- The appropriateness of stormwater storage facilities for mitigating peak flow increases should be determined in consultation with the County Engineer. At the request of the County, a comprehensive hydrology study of a receiving drainage system, stream or identified watershed under pre-development and post-development conditions may be required to assess potential impacts. Based on the finding of such studies, the design criteria for stormwater



quantity management may be revised.

### **Impoundment (Basin) Design Requirements**

The design standards of this Manual may require that some form of impoundment, either detention or retention, be used for development and redevelopment projects. The type and size of the facility required will typically depend on the size of the proposed development, the impact on the downstream watercourse and the impact on water quality. If areas immediately downstream of the proposed development are not sensitive to increases in runoff but areas further downstream are sensitive, a regional impoundment facility may be an option. If areas immediately downstream of the proposed development are sensitive to any increases in runoff, an on-site impoundment may be the better option. It is the intention of the County to control stormwater problems resulting from development and lessen some existing flooding problems through the placement of impoundments as close to the problem area as possible. Therefore, impoundments may not apply to every new development and may be a combination of large and small facilities.

The design of impoundment facilities may be simple, as is the case with some small on-site facilities. Larger facilities, however, can be complex. This Manual is intended to serve as a reference to the designer by providing general guidelines and techniques for analysis. Complex designs should only be undertaken by professionals with a thorough knowledge of impoundments. All impoundment designs and their associated calculations should be sealed by a Professional Engineer registered in South Carolina.

### **Types of Storage**

In general, the type of storage device selected depends on the quantity of water to be stored and the associated cost of storage. Guidelines for each are included herein. The selection of the type of storage used is up to the individual owner or engineer. Although all of the following types of facilities will work, some will present more of a maintenance problem.

#### **Dry Basins**

Dry detention basins should be designed such that the primary outlet devices restrict the flow and allow water to pond in a safe contained fashion. A properly designed emergency spillway should be provided capable of passing the 100-year storm. Side slopes should be no steeper than 3H:1V with vegetative groundcover. If site constraints are such that the slopes warrant anything steeper than 3H:1V, then slopes that are designed at 2H:1V will require matting, ECBs or TRMs. The basin should be constructed to ensure positive drainage. This will reduce the risk of mosquito problems and reduce maintenance costs. In larger basins, a concrete low flow swale is recommended since vegetation may be difficult to maintain with frequent flow through the basin.

**Note:** Multiple configurations may need to be considered to ensure no system “short-circuits”.

#### **Wet Basins**

The same basic standards apply to wet basins as to dry impoundment facilities. Outlet devices should be appropriately sized, and an emergency spillway should be provided. Because of their added benefit



to water quality, wet basins are highly encouraged by the County. Although they may be impractical for smaller areas, their use in larger drainage areas can provide improved water quality and an attractive, aesthetic component to the development. Hydrologic modeling of the wet basin is similar to that of other basins with only some minor changes to the stage-storage curve. Careful consideration should be given to the frequency of inflow and nutrient levels in the influent when deciding whether or not to use a wet impoundment basin. The contributing drainage area should be such to support a sufficient permanent pool in the pond at all times. Low flows and high nutrient levels may result in the eutrophication of the pond and subsequently high maintenance costs.

#### **Parking Lot Storage**

For on-site detention where topography or space is a problem, parking lot storage may be an option. Naturally, not much runoff water can be stored in a parking lot. Therefore, it should be considered for only small sites less than one-half (1/2) acre with little or no off-site drainage entering the parking lot. The depth of storage should be limited to eight (8) inches and if possible, should be restricted to a remote portion of the parking lot. Storage may not inundate handicap spaces or the primary access to the site. Some form of stable emergency overflow should be provided to pass the 100-year storm, usually by overtopping the curb. Since small outlet devices are required for parking lot storage, weirs are preferred to orifices. In general, parking lot storage creates more of a maintenance problem than any other type of on-site storage and should be used only when other facilities are impractical.

#### **Pipe Storage**

When space is severely limited on the site, pipe storage may be an option. Oversized pipes with a restricted outlet can provide storage but usually only at a very high cost. Access to the pipe and outlet device must be provided for adequate maintenance. Debris control should be a prime consideration in designing pipe storage since the restricting outlet device is generally much smaller than the storage or inflow pipes.

**Note:** Pipe storage can only be a design consideration for Commercial sites where the County will not have maintenance responsibilities.

#### **Underground Storage**

When space is severely limited on the site, underground storage may be an option. Underground pipes, chambers, or facilities with a restricted outlet can provide storage but usually at a high cost. Access to the underground storage area and outlet device must be provided for adequate maintenance. Trash and debris control is a prime consideration in designing underground storage.

Underground storage design includes:

- **Materials:** Corrugated metal structures are prohibited for underground storage.
- **Emergency Spillways:** Overflow must discharge to a stable outlet.
- **Pretreatment:** All underground storage systems must include pretreatment for the removal of sediments and debris prior to entering the main detention structure.
- **Water Quality Design:** Underground storage alone is not applicable for water quality treatment



during construction. Additional water quality treatment measures such as MTDs may be required to meet water quality standards.

- Observation Ports: Underground storage systems must have multiple observation ports for monitoring sediment and debris levels and determining when maintenance is required.
- Access Port: Access to the underground storage system must be provided to allow for the removal of accumulated sediment and debris.
- Design to support a minimum of an AASHTO HL-93 live load together with the appropriate dead load. Heavier live loads may be required if conditions dictate.
- Minimum life expectancy is 75 years.

### Detention and Retention Design Parameters

The construction of detention structures usually requires excavation or the placement of earthen embankments to obtain a required storage volume. This section discusses the design criteria of detention structures to ensure the long-term function of the structure while minimizing the maintenance responsibilities. A detention waiver may be requested using the form in [Appendix H: Detention Waiver Request Form](#).

Outlet structures shall be designed in accordance with accepted engineering principles, with particular attention to appropriate hydraulics including orifice, weir, and culvert hydraulics. Outlet structures shall be designed to discharge equal to or less than the pre-development runoff peak flow rates for the 2-, 10-, and 25-year frequency, 24-hour duration Type II storm event.

If downstream drainage facilities are inadequate to convey the peak discharge for the design storm events for the development of a particular site, please refer to the sub-section Improvement Options in the Downstream Analysis section of this Manual.

Where a basin discharges into a stream, ditch, swale, or water body, appropriate velocity dissipation devices and/or erosion prevention BMPs are required to minimize soil erosion and sediment transport. An emergency spillway shall be required for detention and retention basins to discharge flows for the 100-year, 24-hour storm event with one (1) foot of freeboard. The spillway shall be located so the discharge does not erode the basin or receiving channel. If the 100-year storm can be retained completely on site, an emergency spillway is not required.

### Detention Structure Design Criteria

The following are design criteria for the design and construction of all detention structures.

#### Shape

Place inlets and outlet as far apart as feasible. Provide a long and narrow basin shape, with a minimum flow length to flow width ratio of 2L: 1W and an optimum flow length to flow width ratio of 3L: 1W. Design runoff to travel the longest distance possible thorough the basin before being discharged. The flow length to flow width ratio can be increased by:

- Designing irregularly shaped basins such as a kidney bean shape,



- Using baffles to create a longer path of flow,
- Utilizing double chamber ponds, or
- A combination of these techniques.

The shallow and narrow end of the basin should be located near the inlet and the deeper and wider end near the outlet. The allowable dead storage space of a basin is limited to a maximum of 20 percent.

#### **Side Slopes**

Vegetated embankments shall be less than 15 feet in height and shall have side slopes no steeper than 3H:1V. Vegetated embankments shall be protected with Erosion Control Blankets or Turf Reinforcement Matting. Geotechnical slope stability analysis is required for slopes greater than eight (8) feet in height and embankments that have steeper slopes than 3H:1V.

#### **Inlet**

The inlet must be designed with riprap or other energy dissipater, such as a baffle below the inflow structure to reduce erosive forces and pretreatment to remove sediment. Sediment forebays will be required on all ponds for post-construction water quality and shall be designed with a minimum length to width ratio of 2L:1W. Prevention of scour at the inlet is necessary to reduce maintenance problems and prevent damage to basin floor vegetation. The velocities of flow through the inlet sediment control structure and basin should not exceed 2.5 feet per second. Energy dissipation should be provided at the inlet and outlet to prevent scour and reduce the velocity of stormwater.

#### **Dry Detention Bottom Slopes**

The bottom of detention structures shall be graded towards the outlet structure to prevent standing water conditions and be stabilized to prevent scour. A minimum two (2) percent bottom slope is recommended for both cross slope and a minimum 0.5 percent bottom slope is recommended longitudinal slope.

#### **Under Drains**

If the two (2) percent grade cannot be obtained an acceptable alternative is to install an under drain. The under drain shall be constructed in the following manner:

- The under drain shall be one of the last items to be installed to eliminate any sediment build-up that would cause the under drain to not function properly.
- A non-woven geotextile fabric shall be laid in the excavated trench first. The perforated drain pipe shall be covered with washed stone.
- Both stone and drain shall then be wrapped with the non-woven geotextile and backfilled with sandy porous material.

#### **Permanent Pool Detention**

The maximum depth of permanent storage facilities shall be determined by site conditions, design constraints, and environmental needs. The facility should provide a permanent pool of water with a depth sufficient to discourage weed growth without creating undue potential for an anaerobic bottom





conditions. The minimum allowable permanent pool depth is four (4) feet and the maximum allowable depth is 12 feet. A depth of six (6) to eight (8) feet is reasonable unless fishery requirements dictate otherwise. Aerating may be required for permanent pools to prevent anaerobic conditions. Wildlife experts shall be contacted where aquatic habitat is required.

#### **Principal Spillways**

All principal spillways shall be made of reinforced concrete structures. Corrugated metal principal spillways are not accepted.

#### **Trash Racks**

All principal basin outlets must have a trash rack to control clogging by debris and to provide safety to the public. The surface area of each rack must be at least four (4) times the outlet opening it is protecting. The spaces between rack bars must be no more than six (6) inches or one-half (1/2) the dimension of the smallest outlet opening behind it, whichever is less. Trash racks should be inclined to be self-cleaning.

#### **Pipe Barrel Materials**

All pipe barrel material shall be concrete pipe. Corrugated Metal Pipe is not accepted. All pipe barrel pipe joints shall be watertight using AASHTO M-315 (13PSI) pipe joint, O-ring gaskets (ASTM C361), or a coupling band.

#### **Seepage Control**

Use a watertight pipe outlet barrel to riser connection. All pipes that extend through an embankment shall have anti-seep collars or filter diaphragms to control the migration of soil materials to prevent potential embankment failure from "piping" within the backfill soil along the conduit. All constructed dams or embankments for dry and wet basins shall have a clay core with an excavated cutoff trench.

#### **Anti-floatation**

All outlets employing a riser structure must be designed to prevent the riser from floating.

#### **Emergency Spillways**

Emergency spillways shall be designed to convey the routed runoff of the 100-year, 24-hour design storm event while maintaining at least one (1) foot of freeboard between the high-water elevation and the top of the embankment crest. Overflow must discharge to a stable channel or stable area.

#### **Location of Spillways**

Emergency spillways must be located on undisturbed, non-fill soil wherever possible. If the spillway must be located on fill soils, then it must be horizontally offset at least 20 feet from the principal outlet. Discharge from the emergency spillways should not impinge upon the toe of the dam or the embankment.

#### **Protection**

Emergency spillways must be designed with a permanent erosion prevention lining (e.g., riprap, permanent turf reinforcement matting, nonflexible lining). Grass only emergency spillways are



acceptable, if it is in the cut section. The top elevation of the spillway shall be the actual top of the permanent erosion prevention lining.

#### **Exit Channel**

All exit channels must be designed with a permanent erosion prevention lining (e.g., riprap, permanent turf reinforcement matting, articulated blocks, concrete, nonflexible lining). Grass only exit channels are not acceptable. All erosion prevention linings must be evaluated for stability at the design channel grade.

#### **Outlet**

Each basin outlet shall be designed to prevent scour and to reduce velocities during peak flow conditions. Each outlet should be directed towards pre-existing point source discharges or be equipped with a mechanism to release the discharge as close to sheet flow as possible to prevent the creation of new point source discharges.

Restrict the basin outlet from being placed within 20 linear feet of adjacent properties lines.

#### **Devices**

The following Orifices and Riser-Barrel Outlets sub-sections provide a general description of some common outlet devices used in impoundment facilities. Other devices are available. Because controlling multiple design storms may be required, some complex outlet devices may result. To the extent possible, it is recommended to keep outlet devices simple. This may require an optimal design for one storm frequency and an over design for other storm events.

#### **Orifices**

The discharge through an orifice can be described by an energy balance analysis. Assuming the upstream velocity is negligible (i.e., a reservoir) and the water surfaces both upstream and downstream are free surfaces, the energy balance can be simplified using the orifice equation.

#### **Riser-Barrel Outlets**

Riser-barrel outlets act as a combination of several types of outlet devices. At different stages the outlet may behave differently. At shallow depths the riser may act as a weir. As the depth increases the riser may begin to act as an orifice or the barrel may begin to control. The controlling factor will be that with the smallest discharge at a given depth. The following equations should be considered.

- Sharp Crested Weir Equation
- Orifice Equation
- Barrel as an Orifice Equation
- Barrel as a Pipe Equation

#### **Earthen Dam Embankment**

Earthen dam embankments shall be no steeper than 3H: 1V with vegetative groundcover. If site constraints are such that the slopes warrant anything steeper than 3H:1V, then slopes that are designed at 2H:1V will require matting, ECBs, or TRMs. Earthen dam embankment shall not be planted



with shrubs, trees, or woody vegetation.

The minimum earthen dam top width shall be 10 feet for embankments to provide adequate maintenance access.

#### **Engineer Certification**

The engineer or geotechnical engineer must certify embankments of all constructed dams to ensure proper compaction, clay core installation, and seepage control measure installation.

#### **Maintenance Access**

Maintenance access at least 10 feet wide with a maximum slope of 15 percent and a maximum cross slope of three (3) percent shall be provided and shall be stabilized. Sufficient areas for equipment access for basin maintenance shall be provided. This access shall extend to the forebay, micropool, and outlet structure. It should never cross the emergency spillway, unless the spillway has been designed for that purpose. To the extent feasible, maintenance access should be designed to allow for vehicle turnaround. An easement may be required.

Provide a flat maintenance shelf/berm with a minimum width of 10 feet around the perimeter of the basin; nothing shall encroach within the property boundary line. The basin berm must provide load bearing capability for industrial maintenance mowers.

Reduced maintenance access may be allowable on a limited case by case basis depending on site constraints and the design of the pond as determined during formal review submittal.

#### **Safety Fence**

A safety fence or vegetative barrier is required where a detention structures interior side slopes are steeper than 3H: 1V or when the impoundment is a wall greater than 24 inches in height. If the wall is adjacent to a walkway or street a railing may be required instead of a fence.

#### **Basins on Slopes**

When basins are created by cutting and filling a slope, care should be taken that the seasonal groundwater table on the slope above the basin is not exposed, thus creating a seasonal spring. Controlling the groundwater flow or spring flow into a basin may be accomplished by the proper installation of a subsurface interceptor drainage system. To prevent destabilization from groundwater seepage, riprap may be needed.

#### **Relationship to Groundwater**

The basin bottom should be located two (2) feet above the seasonal high groundwater table to avoid standing water in dry basins or groundwater intrusion in wet basins to the maximum extent practicable.

#### **S.C. Dams and Reservoirs Safety Act**

According to the S.C. Dams and Reservoirs Safety Act (Title 49, Article 3 of the S.C. Code of Laws), a dam is defined as being an artificial barrier used for the impoundment or diversion of water. Dams that



are 25 feet or greater in height or that have a capacity of 50 acre-feet or more are subject to regulation by DHEC. Dams that are smaller than these requirements are exempt from regulation unless the dam poses a threat to life downstream, as determined by DHEC. Any questions concerning specific design applications should be addressed by DHEC.

### During Construction Basic Design Procedures

Control of sedimentation from construction sites may be accomplished through the utilization of a variety of erosion and sediment control BMPs. The complexity of the erosion prevention and sediment control plan will vary depending on the individual site conditions. The goal of implementing the erosion prevention plan is to limit the quantity of sediment being eroded from and leaving a construction site. This may be partially accomplished through the implementation of sediment control BMPs. However, these sediment trapping controls typically only remove a small portion of the clay particles eroded from the site. The best protection is provided by a combination of practices including temporary and permanent stabilization, flow diversions, and streambank protection, all which minimize the amount of soil that is eroded from the site.

All land development shall be planned in such a way to control and limit erosion and sediment discharge from construction sites. The goals of these erosion prevention and sediment control BMPs are to:

- Minimize the extent and duration of disturbed soil exposure,
- Protect off-site and downstream locations, drainage systems and natural waterways from the impacts of erosion and sedimentation,
- Limit the exit velocities of the flow leaving the site to non-erosive or pre-development conditions,
- Design and implement an ongoing inspection and maintenance plan, and
- Remove all temporary BMPs prior to final project closeout.

### During Construction Water Quality Design Requirements

Best Management Practices (BMPs) are required to control and minimize water quality degradation resulting from construction activities. Richland County has implemented a during construction performance standard that defines BMP effectiveness in terms of removal of total suspended solids (TSS) from stormwater runoff.

Richland County has adopted a BMP performance standard that requires all temporary during construction BMPs shall be designed and constructed to accommodate the expected sediment loading from construction activities with a removal efficiency of 80 percent of total suspended solids (TSS). The design efficiency shall be calculated for disturbed conditions for the 10-year, 24-hour design event.

The removal efficiency may be calculated using South Carolina Design Aids, SEDIMOT, SEDCAD4, Pond Pack, SEDPRO, or other computer models that utilize eroded particle size distributions and calculate a corresponding 80 percent trapping efficiency for TSS [for the 10-year, 24-hour design event](#).



**Stormwater runoff that drains to a single outlet from land disturbing activities which disturb five (5) acres or more shall be controlled during the land disturbing activity by a sediment basin** where sufficient space and other factors allow these controls to be used. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin. When discharging stormwater runoff from sediment basins, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible. The use of perforated riser structures during construction are not allowed. This outlet structure should be capable of conveying the flow for the 10-year, 24-hour storm event.

Temporary sediment basins shall be designed to completely dewater in a minimum of two (2) days with a maximum of five (5) days.

Unless infeasible, properly design, install and maintain porous baffles, or similar control measures capable of enhancing settling capabilities and restricting the accumulation of sediment around the outlet structure, in all sediment basins to reduce velocity, turbulence, and improve sediment trapping efficiency. Each sediment basin must be equipped with a cleanout stake indicating when the basin is to be cleaned.

Perform temporary stabilization by seeding and install temporary erosion control blankets on exposed basin side slopes.

Sediment basins may be converted to permanent use for detention or water quality after construction is completed provided all accumulated silt is removed from the basin and disposed of after all disturbed areas have been stabilized.

Stormwater runoff that drains to a single outlet from land disturbing activities which disturb less than five (5) acres shall be controlled during the land disturbing activity by sediment control BMPs. The allowable drainage area for a single sediment trap shall be less than five (5) acres.

Unless infeasible, properly design, install, and maintain porous baffles or similar control measures capable of enhancing settling capabilities and restricting the accumulation of sediment around the outlet structure in all temporary sediment traps to reduce velocity, turbulence, and improve sediment trapping efficiency.

#### **SWPPP Development Standards**

Stormwater Pollution Prevention Plans (SWPPPs) shall be developed to achieve an 80 percent design removal efficiency of total suspended solids (TSS) goal. The design storm event associated with this level of control is the 10-year, 24-hour SCS Type II storm event. SCS procedures should be used to determine runoff amounts. It is important to note that when a BMP is designed for the 10-year, 24-hour storm event, the BMP will have a greater trapping efficiency for more frequent events such as the 2-year, 24-hour storm event.

Each SWPPP must delineate the following elements:



- All Sensitive Features (including steep slopes 30 percent grade or steeper),
- Sources of sediment that may potentially leave the site,
- The location and depth of all structural and nonstructural BMPs necessary to achieve the 80 percent design [TSS](#) removal efficiency goal [for the 10-year, 24-hour design event](#) to protect receiving water bodies, off-site areas, and all Sensitive Features,
- Installation and maintenance of required BMPs, and
- The sequencing of construction activities to be utilized on the project.

The following nonstructural site management practices shall be utilized on the plans where applicable:

- Minimize site disturbance to preserve and maintain existing vegetative cover.
- Limit the number of temporary access points to the site for land disturbing activities.
- Phase and sequence construction activities to minimize the extent and duration of disturbed soil exposure.
- Locate temporary and permanent soil disposal areas, haul roads and construction staging areas to minimize erosion, sediment transport, and disturbance to existing vegetation.

SWPPPs shall comply with the following specific standards and review criteria:

- Sediment Tracking Control: Stabilized construction entrances shall be located and utilized at all points of ingress/egress on a construction site. The transfer of soil, mud, and dust onto public rights of ways shall be prevented.
- Crossings of waterways during construction should be minimized and must be approved by the County Engineer. Encroachment into stream buffers, riparian areas, and wetlands should be avoided when possible.
- Topsoil shall be stockpiled and preserved from erosion or dispersal both during and after site grading operations when applicable.
- Temporary Stabilization Measures: Where construction or land disturbance activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required as soon as practicable, but no later than 14 calendar days after the activity has ceased.
- Final Stabilization: Final Stabilization of the site shall be required within 14 calendar days of construction completion.
- Temporary Structural Controls installed during construction shall be designed to accomplish maximum stabilization and control of erosion and sedimentation, and shall be installed, maintained, and removed at the end of the project.

SWPPPs shall include requirements for the design, installation and maintenance of effective pollution prevention measures for construction site operators to:

- Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
- Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on site to precipitation and to stormwater runoff that may cause adverse



impacts to water quality.

- Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

SWPPPs shall ensure the following discharges from construction sites are prohibited:

- Wastewater from washout of concrete, unless managed by an appropriate control,
- Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds, and other construction materials,
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and
- Soaps or solvents used in vehicle and equipment washing.

#### **Phased Sediment and Erosion Control Plans**

Sediment and Erosion Control Plans are required for all permitted development. For total land disturbance of two (2) acres or less, only one phase is required.  
~~Phased Sediment and Erosion Control Plans are not required when the total land disturbance is two (2) acres or less.~~

For land disturbance ~~between greater than~~ two (2) and ~~less than or equal to~~ five (5) acres, a **minimum** of a two-phase stormwater management and sediment and erosion control plan is required for all non-linear projects. Each phase must be shown on a separate plan sheet. Plans should address the transition between phases.

Phase 1 – Initial Land Disturbance – Must include perimeter sediment and erosion control BMPs required prior to initial/mass clearing and other appropriate BMPs needed to maintain compliance with the permit including sediment basins and traps designed for 80 percent trapping efficiency for TSS for the 10-year, 24-hour design event. On some sites, this may include appropriate BMPs for demolition of existing structures. Phase 1 limits of disturbance should only include the area to be disturbed for installation of these BMPs.

Phase 2 – Construction and Stabilization – Includes sediment and erosion control BMPs required during ~~the remainder of site~~ grading and construction. All BMPs are to be install prior to clearing and grubbing. Must This phase also include appropriate BMPs for stabilization, grassing, inlet protection, etc.

For land disturbance greater than five (5) acres, a **minimum** of a three-phase stormwater management and sediment and erosion control plan is required for all non-linear projects. Each phase must be shown on a separate plan sheet. Plans should address the transition between phases.

Phase 1 – Initial Land Disturbance – Must include perimeter sediment and erosion control BMPs required prior to initial/mass clearing and other appropriate BMPs needed to maintain compliance with the permit including sediment basins and traps designed for 80 percent trapping efficiency for TSS for the 10-year, 24-hour design event. On some sites, this may include appropriate BMPs for demolition of existing structures. Phase 1 limits of disturbance should only include the area to be



[disturbed for installation of these BMPs.](#)

Phase 2 – Construction – Includes sediment and erosion control BMPs required during the majority of grading and construction activities. [All BMPs are to be install prior to clearing and grubbing.](#)

Phase 3 – Stabilization – Includes sediment and erosion control BMPs required near the completion of the construction project. Must also include appropriate BMPs for stabilization, grassing, inlet protection, etc.

**Note:** Some sites may require multiple plan [sheets](#) for each Phase to accurately reflect the sequence of construction that will best manage sediment and erosion.

#### **Alternative Erosion Prevention and Sediment BMPs**

To encourage the development and testing of innovative alternative erosion prevention and sediment control BMPs, alternative management practices may be allowed upon review and approval. To use an alternative BMP, the design professional shall submit substantial evidence that the proposed measure will perform at least equivalent to currently approved methods.

Evidence may include, but is not limited to:

- Supporting hydraulic and trapping efficiency calculations,
- Research results as reported in professional journals, and
- Manufacturer literature.

To justify the efficiency of innovative erosion prevention and sediment control BMPs, the owner may be required to monitor the trapping efficiency of the structure. If satisfactory results showing that [TSS](#) trapping efficiencies of 80 percent or greater [for the 10-year, 24-hour storm](#) are obtained, the innovative BMP may be used, and no other monitoring studies shall be required. If monitoring shows that a certain BMP is not sufficient or if Richland County finds that a BMP fails or is inadequate to contain sediment, other upstream and downstream BMPs shall be implemented to reach the required efficiency.

#### **Multipurpose Basin Design**

Permanent multipurpose basin storage volumes, dimensions, and riser configurations are designed to meet the permanent post-construction requirements for the specific basin.

Two (2) spillway configurations are required for permanent multipurpose basins that are used for both during construction sediment control and post-construction water quantity or water quality control. The first configuration is the temporary sediment basin primary riser spillway consisting of a solid concrete riser with no staged [orifice or weir](#) discharges. Runoff only enters the primary riser structure by overtopping and through the floating skimmer.

The second configuration is the permanent basin riser spillway designed to reduce applicable post-





development peak flow rates to pre-development peak flow rates and designed for post-construction water quality control.

Post-construction staged orifices, low flow orifices, or staged weirs are securely covered or sealed during the construction phase. Uncover post-construction staged orifices, low flow orifices, or staged weirs after the construction phase is complete.

Floating skimmers and baffles may be removed when the construction phase ends. Clean the temporary sediment basin of deposited sediment and re-grade the basin to meet the permanent basin contours, if necessary, when the construction phase ends.

## Assessing Sediment and Erosion Control Measures

### Sediment Storage Volumes and Maintenance Schedules

Calculating the appropriate sediment storage volume is very important in sediment basin and sediment trap design. This volume is the storage occupied by the sediment deposited over the given design period. Design periods may be the life of the basin, or the time between scheduled clean outs. Sediment storage volumes may be predicted by the Modified and the Revised Universal Soil Loss Equations or methods acceptable to the County Engineer or designee.

**Note:** These calculations are required within the project submittal.

Using the computed sediment yields,  $Y_D$ , from the Modified and Revised Universal Soil Loss Equations (MUSLE and RUSLE), along with the sediment bulk (or weight) density, the sediment storage volume can be calculated by:

$$V_{SS} = \frac{Y_D}{W \times 27}$$

Where:

- $V_{SS}$  = is the sediment storage volume (cubic yards)
- $Y_D$  = is the sediment deposited over the design period (pounds)
- $W$  = is the weight density (bulk density) of the deposited sediment (pounds per cubic foot)

$W$  can be determined from soil survey data (usually given in grams per cubic centimeter) or from **Table 9** which provides weight/bulk densities (pounds per cubic foot) applicable for Richland County.

**Table 8: Default Weight Density Values for Sediment Storage**

Type of Basin Operation	W (lb/ft <sup>3</sup> )
Sediment always submerged (Wet Pond)	96
Basin normally empty (Dry Pond)	97



### **R Factors and EI Values**

When designing for sediment storage volume, the sediment deposited over the design period  $Y_D$ , must be calculated. This value can be obtained by converting the sediment yield calculated by both the Modified and Revised Universal Soil Loss Equation (MUSLE and RUSLE) into pounds of sediment.



By using the MUSLE equation below, sediment yield from a watershed can be calculated for the smaller storm events.

$$T = \Psi \times (V \times Q_p)^{0.56} \times (K \times LS \times CP)$$

Where:

- T = Sediment yield per storm event (tons)
- $\Psi$  = 95.0 for Imperial units
- V = Volume of runoff (acre-feet)
- $Q_p$  = Peak flow (cubic feet per second)
- K, LS, and CP are MUSLE and RUSLE Parameters

One of the variables used in the RUSLE is the R factor. R is the factor in the RUSLE that accounts for the damaging effects of rainfall. The R factor indicates the erosivity of the rainfall, not the average annual precipitation in a locality. The R factor is defined as the number of erosion index (EI) values in a normal year's rain. The EI index value of a given storm is equal to the kinetic energy of the storm (hundreds of foot-tons per acre) multiplied by its maximum 30-minute intensity (inches per hour). The EI values of individual storms may be summed to get an EI value for a month, six months, or for any period of time. When EI values are summed and averaged over a period of years, they become R factors.

The distribution of EI values becomes important when soil losses need to be calculated for a period of time less than one (1) year, such as a construction season. The distribution of the EI values over a known period of time is used to calculate an R factor for that time period. **Table 10** below shows the distribution of EI values for Richland County as a percentage of the R factor for Richland County. This design procedure shall require a minimum EI value of 50 for any construction period.

**Table 9: Average Example Distribution of Rainfall Erosion Index (EI Curves)  
for Richland County**

Date	Percent of EI Value	Date	Percent of EI Value
1-Jan	0.0	15-Jul	46.0
15-Jan	1.0	1-Aug	58.0
1-Feb	2.0	15-Aug	69.0
15-Feb	3.0	1-Sep	80.0
1-Mar	5.0	15-Sep	89.0
15-Mar	7.0	1-Oct	93.0
1-Apr	10.0	15-Oct	94.0
15-Apr	14.0	1-Nov	95.0
1-May	18.0	15-Nov	96.0
15-May	22.0	1-Dec	97.0
1-Jun	27.0	15-Dec	97.0
15-Jun	32.0	1-Jan	100.0



1-Jul	37.0
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**Note:** The minimum EI value for any construction period shall be 50. The annual R factor value for Richland County is 350.

#### Factors and EI Value Example Problem:

- The annual R factor value for Richland County is **350**.
- If construction of a particular site is scheduled to take place for 5 months from January 1 to June 1, the EI Curve value would be  $27.0 - 0.0 = \mathbf{27.0}$
- The corresponding R factor for this time period is calculated to be  $0.27 \times 350 = \mathbf{94.5}$ .
- If construction of a particular site is scheduled to take place for 5 months from March 1 to August 1, the EI Curve value would be  $58.0 - 5.0 = \mathbf{53.0}$
- The corresponding R factor for this time period is calculated to be  $0.53 \times 350 = \mathbf{185.5}$

#### Calculating Sediment Storage Volumes

Use the following steps to determine the storage volume for a sediment trapping structure. All Modified and Revised Universal Soil Loss Equation input values can be found in [Appendix I: Universal Soil Loss Equation Input Values](#) ~~Appendix J: Universal Soil Loss Equation Input Values~~.

1. Determine the average soil loss per unit area from the site using the Revised Universal Soil Loss Equation:

$$E = R \times K \times LS \times CP$$

Where:

- $E$  = Annual erosion rate in (dry weight) (tons/acre/year)
- $R$  = Rainfall erosive factor and is an erosion index for the 10-year, 24-hour individual storm (tons/acre/year) (EI Value for given design period \* average annual R Value)
- $K$  = Soil erodibility factor and is a numerical representation on the susceptibility of a soil to particle detachment and transport by rainfall and runoff
- $LS$  = Topographic factor. A numerical representation as to how topographic length and slope steepness impact the rate of erosion. Length-slope steepness factor (length is the slope distance from the point of origin of overland flow to the point of concentrated flow or until deposition occurs (dimensionless))
- $CP$  = Control practice factor. A numerical representation on how erosion and sediment control practices minimize soil loss and suspended particles in runoff waters when compared to bare soil conditions. The smaller the number, the more effective (dimensionless)



RUSLE assumes the following about potential erosion rates on construction sites:

- R-Factors and K-Factors are site specific parameters that do not change.
- K-Factor accounts for seasonal changes, such as freezing and thawing, soil moisture and soil consolidation.
- LS-Factors can change by altering the distance runoff flows and varying slope steepness of the land.
- CP-Factor values represent the “ineffectiveness” of a practice to minimize soil erosion and remove sediment from runoff waters when compared to bare ground conditions.

2. Determine the weight density (**W**) of the specific soil. Use Richland County default data from **Table 9**, results from site specific soil test, or the Richland County Soil Survey, which provides soil bulk density usually given in grams/cm<sup>3</sup>.

- Convert (grams/cm<sup>3</sup>) to (lb/ ft<sup>3</sup>) by multiplying by 62.43
- $W = (\text{bulk density in grams/cm}^3) \times (62.43) = \text{lb/ft}^3$

3. Calculate sediment yield (**Y<sub>D</sub>**) in pounds.

- Determine the total disturbed area **DA** (acres).
- Determine the sediment yield (**Y<sub>D</sub>**) in tons, calculated by multiplying **A X DA**

(tons/acre) x (acres) = tons

- Convert tons to pounds to calculate **Y<sub>D</sub>**:

**Y<sub>D</sub>** in pounds = (tons) \* (2000 lb/ton)

4. Calculate the required sediment storage volume, **V<sub>SS</sub>**, in cubic yards (yd<sup>3</sup>):

$$V_{SS} = \frac{Y_D}{W \times 27} = \text{Cubic Yards (yd}^3\text{)}$$

5. The design professional can determine the elevation the required sediment storage corresponds with and require a clean out stake to be installed marking this elevation. The contractor shall be required to clean out the basin or trap when this level is reached. The designer shall state the clean out time interval on which the calculations were based, such as weeks, months, or years.



#### Sediment Storage Volume Example:

**Given:** A 10-acre construction site is to be cleared to a bare soil condition and developed. The contributing runoff slope length is 400 feet with a 2.5 percent slope. The primary soil is Lakeland Sand. A normally dry sediment basin is to be designed to be the primary sediment control structure on the site.

**Calculate:** Required sediment storage volume if construction takes place between March 1 and September 1.

1. Determine the average soil loss per unit area from the site using the Revised Universal Soil Loss Equation.

$$E = R \times K \times LS \times C \times P$$

Where:

$R$  = From **Table 10**

El for September 1 = 80.0 and El for March 1 = 5.0 (80.0-5.0) = 75% of 350 = **262.5**

$K$  = **0.10** for Lakeland Sand soil

$LS$  = **0.362** for 400 ft slope length with 2.5%

$CP$  = **1.0** for a bare soil condition

Then:

$$E = (262.5) \times (0.10) \times (0.365) \times (1.0) = 9.58 \text{ tons/acre}$$

2. Determine the weight density ( $W$ ) of the Lakeland Sand soil.

The default dry sediment basin weight density for Richland County is:  $W = 97 \text{ lb/ft}^3$

3. Calculate sediment yield ( $Y_D$ ) in pounds.

- Determine the total disturbed area **DA: 10 acres**
- Determine the sediment yield ( $Y_D$ ) in tons, calculated by multiplying **E (from part 1.) \* DA**

$$9.58 \text{ (tons/acre)} \times 10 \text{ (acres)} = 95.8 \text{ tons}$$

- Convert tons to pounds to calculate  $Y_D$

$$Y_D = (95.8 \text{ tons}) \times (2000 \text{ lb/ton}) = 191,600 \text{ pounds}$$

4. Calculate the required sediment storage volume,  $V_{SS}$ , in cubic yards:

$$V_{SS} = \frac{Y_D}{W \times 27} = \text{Cubic Yards}$$

$$V_{SS} = 191,600 \text{ pounds} / (97 \text{ lb/ft}^3 \times 27 \text{ cubic yards/ft}^3) = \underline{73.2 \text{ Cubic Yards}}$$



## Selection of During Construction BMPs

**Table 11** lists the acceptable BMPs that may be used during construction activities.

**Table 10: Acceptable During Construction BMPs**

Erosion Prevention BMPs	Sediment Control BMPs	Runoff Conveyance BMPs
<ul style="list-style-type: none"> <li>• Surface Roughening</li> <li>• Temporary Seeding/Stabilization</li> <li>• Mulching</li> <li>• Erosion Control Blankets (ECB)</li> <li>• Turf Reinforcement Matting (TRM)</li> <li>• Hydraulic Erosion Control Products (HECPs)</li> <li>• Permanent Seeding/Stabilization</li> <li>• Sodding</li> <li>• Riprap</li> <li>• Outlet Protection</li> <li>• Dust Control</li> <li>• Polyacrylamide (PAM)</li> <li>• Slope Interruption Devices</li> </ul>	<ul style="list-style-type: none"> <li>• Sediment Basin</li> <li>• Floating Skimmer</li> <li>• Porous Baffle</li> <li>• Sediment Trap</li> <li>• Silt Fence</li> <li>• Rock Checks</li> <li>• Sediment Tubes</li> <li>• Construction Entrance</li> <li>• Inlet Protection</li> <li>• Filter Fabric Inlet Protection</li> <li>• Sediment Tube Inlet Protection</li> <li>• Wire Mesh and Stone Inlet Protection</li> <li>• Block and Gravel Inlet Protection</li> <li>• Rigid Inlet Protection</li> <li>• Surface Course Curb Inlet Protection</li> <li>• Inlet Tubes</li> <li>• Rock Sediment dikes</li> </ul>	<ul style="list-style-type: none"> <li>• Pipe Slope Drains</li> <li>• Temporary Steam Crossing</li> <li>• Diversion Measures</li> <li>• Level spreader</li> <li>• Subsurface Drains</li> <li>• Construction Dewatering</li> <li>• Concrete Washout</li> </ul>

### Erosion Prevention BMPs

Use erosion prevention measures during and after construction site preparation in order to safely convey clean water to storm drains or adequate watercourses. One or more measures should be utilized as appropriate during the project's construction phase. Such measures may include but are not limited to phasing and construction sequencing, surface roughening, temporary seeding, mulching, erosion control blankets, and turf reinforcement matting. Each of these measures is discussed in the sections below. In addition to site-specific erosion control measures, the grading plan includes the following general measures as a minimum:

- Vegetated finished cut and fill slopes should not be steeper than 3H:1V, unless an erosion control blanket or turf reinforcement matting is used.
- Do not place cuts or fills close to property, endangering adjoining property without adequately protecting such properties against erosion, sedimentation, slippage, settlement, subsidence, or other damages.
- Provide subsurface drainage in areas having a high-water table to intercept seepage that affects slope stability, bearing strength, and undesirable wetness.
- Do not place fill material where it can slide or wash onto another property.



- Do not place fill adjacent to channel banks where it can create bank failure, reduce the capacity of the stream, or result in downstream sediment deposition.
- Include all borrow and disposal areas as part of the grading plan.
- Provide adequate channels and floodways to safely convey increased runoff from the developed area to an adequate outlet without causing significant channel degradation or increased off-site flooding.
- Grade the site to direct flows to appropriate controls.

**Table 12** lists erosion prevention BMPs that may be used during construction activities.

**Table 11: Erosion Prevention BMPs**

Erosion Prevention BMPs	Description
Surface Roughening	<ul style="list-style-type: none"> <li>• Surface roughening is the creation of horizontal grooves, depressions, or steps that run <b>parallel</b> to the contour of the land. Several methods can be used for surface roughening. The most commonly used method is tracking.</li> <li>• Perform tracking as soon as possible after vegetation is removed and immediately after grading activities have ceased.</li> <li>• Perform tracking by moving equipment up and down the slope.</li> <li>• Avoid excessive compacting of the soil surface when tracking; <b>use as few passes as possible with the machinery in order to minimize compaction.</b></li> </ul>
Temporary Seeding/Stabilization	<ul style="list-style-type: none"> <li>• Temporary stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case later than 14 days after work has ceased, except as stated below.</li> <li>• Where stabilization by the 14<sup>th</sup> day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.</li> <li>• Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on the portion of the site.</li> <li>• Initiate temporary stabilization measures on any exposed steep slope (3H:1V or greater) where land-disturbing activities have temporarily ceased and will not resume for a period of seven (7) calendar days.</li> </ul>





Erosion Prevention BMPs	Description
Mulching	<ul style="list-style-type: none"> <li>• Mulching is a temporary soil stabilization erosion control method where materials such as hay, straw, wood chips, wood fibers, or hydraulic erosion control products (HECPs) are placed or installed on the soil surface.</li> <li>• In addition to stabilizing soils, mulching enhances the absorption of water by the soil, reduces evaporation losses, regulates soil temperatures, and reduces the velocity of stormwater runoff over an area.</li> </ul>
Erosion Control Blankets (ECB)	<ul style="list-style-type: none"> <li>• Temporary erosion control blankets (ECBs) are products composed primarily of biologically, photo-chemically, or otherwise degradable constituents such as wheat straw, coconut fiber, or aged curled excelsior wood product with longevity of approximately one (1) to three (3) years.</li> <li>• Applicable for slopes 2H:1V or flatter only. Slopes greater than 2H:1V require Turf Reinforcement Matting (TRM). The maximum allowable continuous slope length for ECB applications is 50 feet.</li> <li>• Applicable for channels and concentrated flow areas with a maximum calculated shear stress less than 1.75 lb/ft<sup>2</sup>. Channels and concentrated flow areas with design shear stresses greater than 1.75 lb/ft<sup>2</sup> require TRM.</li> <li>• Consist of double netted matting, defined as matting with netting on both sides of the blanket.</li> <li>• If necessary, slopes, which exceed eight (8) vertical feet, should be stabilized with erosion control blankets or turf reinforcement mats in addition to hydroseeding.</li> <li>• See SCDOT Qualified Products List (QPL) 55, or latest update, for acceptable Temporary Erosion Control Blankets.</li> </ul>
Turf Reinforcement Matting (TRM)	<p>Turf reinforcement matting (TRM) products are composed primarily of nondegradable materials that enhance the ability of living plants to stabilize soils. They bind with roots to reinforce the soil matrix with longevity greater than five (5) years.</p> <ul style="list-style-type: none"> <li>• The appropriate type of TRM is determined based on slope and shear stress:             <ul style="list-style-type: none"> <li>○ Use TRM Type 1 on slopes 2.0H:1V or flatter or in channels where the calculated design shear stress is 4.0 lb/ft<sup>2</sup> or less.</li> <li>○ Use TRM Type 2 on slopes 1.5H:1V or flatter or in channels where the calculated design shear stress is 8.0 lb/ft<sup>2</sup> or less.</li> <li>○ Use TRM Type 3 on slopes 1.0H:1V or flatter or in channels where the calculated design shear stress is 12.0 lb/ft<sup>2</sup>.</li> </ul> </li> </ul>



Erosion Prevention BMPs	Description
Turf Reinforcement Matting (TRM) (Continued)	<ul style="list-style-type: none"> <li>If necessary, slopes which exceed eight (8) vertical feet should be stabilized with erosion control blankets or turf reinforcement mats in addition to hydroseeding.</li> <li>See SCDOT Qualified Products List (QPL) 56, or latest update, for acceptable Turf Reinforcement Matting.</li> </ul>
Hydraulic Erosion Control Products (HECPs)	<ul style="list-style-type: none"> <li>Use HECPs as an allowable mulch for temporary cover by mulch, temporary cover by seeding, or permanent cover by seeding applications.</li> <li>Do not use HECPs as a channel liner or for areas receiving concentrated flow.</li> <li>Apply HECP Type 1, 2, 3, and 4 at the appropriate rate on the appropriate maximum slope gradient.               <p>Type 1: Slope <math>\leq</math> 4H:1V @ 2,000 lbs./acre                Type 2: 4:1 &lt; Slope <math>\leq</math> 3:1 @ 2,500 lbs./acre                Type 3: 3:1 &lt; Slope <math>\leq</math> 2:1 @ 3,000 lbs./acre                Type 4: 2:1 &lt; Slope <math>\leq</math> 1:1 @ 3,500 lbs./acre</p> </li> <li>The maximum allowable continuous slope length for HECP application is 50 feet. Provide slope interruption devices for continuous slope length longer than 50 feet.</li> <li>See SCDOT Qualified Product List (QPL) 65, or latest update, for acceptable HECPs.</li> </ul>
Permanent Seeding/Stabilization	<p>Permanent stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have ceased, but in no case more than 14 days after work has ceased, except as stated below.</p> <ul style="list-style-type: none"> <li>Where stabilization by the 14<sup>th</sup> day is precluded by snow cover or frozen ground conditions initiate permanent stabilization measures as soon as practicable.</li> <li>Initiate permanent stabilization measures on any exposed steep slope (3H: 1V or greater) where land-disturbing activities have permanently ceased.</li> </ul>
Sodding	<ul style="list-style-type: none"> <li>Sodding is transplanting vegetative sections of plant materials to promptly stabilize areas that are subject to erosion.</li> <li>Use commercial sod which is a cultured product utilizing specific grass species.</li> <li>Sodding is appropriate for any graded or cleared area that may erode, and where a permanent, long-lived plant cover is immediately needed.</li> </ul>



Erosion Prevention BMPs	Description
Sodding (Continued)	<ul style="list-style-type: none"> <li>Examples of where sodding is used are yards, buffer zones, streambanks, dikes, swales, slopes, outlets, level spreaders, and filter strips.</li> <li>In general, do not use sod on slopes greater than 2H:1V or 3H:1V if it is to be mowed. If sod is placed on steep slopes, lay it with staggered joints and/or staple the sod down.</li> </ul>
Riprap	<ul style="list-style-type: none"> <li>Riprap is a permanent, erosion-resistant channel lining aggregate consisting of large, loose, angular, stone with a filter fabric, or granular underlining.</li> <li>The purpose of riprap is to protect the soil from the erosive force of concentrated runoff and to slow runoff velocities while enhancing the potential for infiltration.</li> <li>The purpose of the filter fabric or granular underlining is to prevent undermining of the riprap layer by the migration of soil particles through the riprap.</li> </ul>
Outlet Protection	<ul style="list-style-type: none"> <li>Outlet protection dissipates the energy of concentrated stormwater flows thereby reducing erosion or scouring at stormwater outlets and paved channel sections. In addition, outlet protection lowers the potential for downstream erosion.</li> <li>This type of protection can be achieved through a variety of techniques, including permanent TRMs, riprap, concrete aprons, paved sections, and other structural materials. The most typical application is riprap for outlet protection.</li> <li>Outlet protection should be placed at the outlets for all pipes, channels, and other stormwater conveyance structures in order to reduce the potential for erosion.</li> <li>The design criteria, calculations, and procedures for sizing the riprap and determining the dimensions of riprap pads shall be provided.</li> </ul>
Dust Control	<ul style="list-style-type: none"> <li>Wind erosion occurs when the surface soil is loose and dry, vegetation is sparse or absent, the wind is sufficiently strong, and when construction traffic disturbs the soil.</li> <li>Wind erodes soils and transports the sediment off-site in the form of fugitive dust, where it may be washed into receiving water bodies by the next rainfall event.</li> <li>Fugitive dust is a nuisance for neighbors. It settles on automobiles, structures, and windows and finds its way into homes. It also makes breathing difficult for those with respiratory problems and becomes a safety problem when it blinds motorists, equipment operators, and laborers.</li> </ul>



Erosion Prevention BMPs	Description
Dust Control (Continued)	<ul style="list-style-type: none"><li>Utilize dust control methods whenever there are offsite dust impacts, especially during periods of drought. Implement dust control as needed until final stabilization is reached.</li></ul>
Polyacrylamide (PAM)	<ul style="list-style-type: none"><li>The most common flocculants used in stormwater treatment systems are anionic Polyacrylamide (PAM) typically available in four (4) media types (dry, powder, liquid, emulsion, and solid).</li><li>Apply PAM as a means of sediment and turbidity control in highly sensitive areas or waterbeds. PAM is used to treat construction stormwater runoff that contains high amounts of eroded fine silt, clay, or colloidal particles resulting in high turbidity in the runoff water.</li><li>Conduct a site-specific assessment (soil and water testing) by a qualified manufacturer or qualified professional to select the specific PAM, application rate, application method(s), and maintenance procedure tailored to the site-specific soil characteristics, topography, hydrology, and the type of sediment control structure utilized.</li></ul>
Slope Interruption Devices	<ul style="list-style-type: none"><li>Use slope interruption devices for erosion prevention on slopes greater than 50 feet in length for Hydraulic Erosion Control Products (HECPs) and Temporary Erosion Control Blanket (ECB) slope applications.</li><li>At the discretion of the engineer, use slope interruption devices on slope lengths less than 50 feet when slope erosion is expected or observed.</li><li>For slope interruption devices for erosion prevention, use non-weighted sediment tubes composed of processed degradable natural material within synthetic or natural fiber tubular, flexible outer netting.</li><li>Do not use straw bales, pine bales, leaf mulch, and/or grass clippings for slope interruption devices. Ensure that the inner material is long term biodegradable and/or photodegradable.</li><li>Use tube diameter ranging from six (6) inches to 12 inches.</li><li>See SCDOT Qualified Product List (QPL) 58, Type F Non-Weighted Inlet Tubes or latest update, for acceptable slope interruption devices.</li></ul>

#### **Sediment Control BMPs**

Standard application sediment control BMPs are recommended for use in a wide variety of application



situations. These sediment control BMPs have demonstrated the ability to effectively treat during construction stormwater runoff for TSS removal. Design methodologies and computer models are available that can compute the efficiency of these BMPs.

**Table 13** ~~Table 13~~ lists sediment control BMPs to be used during construction activities.

**Table 12: Sediment Control BMPs**

Sediment Control BMPs	Description
Sediment Basin	<ul style="list-style-type: none"> <li>• Sediment Basins are used to collect and impound stormwater runoff from disturbed areas of five (5) acres or more to restrict sediments and other pollutants from being discharged off-site.</li> <li>• Sediment basins work most effectively in conjunction with additional erosion prevention and sediment control BMPs installed and maintained up gradient of the basins.</li> <li>• Trapping efficiency calculations show that all sediment basins are capable of achieving a sediment trapping efficiency of at least 80 percent TSS for the 10-year, 24-hour storm event.</li> <li>• Sediment basins provide storage for the 10-year, 24-hour storm event for disturbed conditions to obtain 80 percent TSS removal efficiency or 3,600 ft<sup>3</sup>/acre draining to the basin.</li> <li>• When discharging stormwater runoff from sediment basins, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible. The use of perforated riser structures during construction are not allowed. This outlet structure should be capable of conveying the flow for the 10-year, 24-hour storm event.</li> <li>• Sediment basins are designed for the total area draining to them.</li> <li>• Forebays accounting for 20 percent of the overall sediment storage volume must be installed, unless infeasible.</li> <li>• A riprap berm, gabion, or an earthen berm with a rock filled outlet may be constructed across the bottom of the sediment basin to create a cell within the basin for use as the sediment forebay.</li> <li>• The location and height of the forebay berm should be designed to meet the appropriate sediment forebay volume and depth criteria.</li> <li>• Alternatively, plunge pools or rock berms may be constructed around each inlet to create a combined forebay volume behind the berms equal to the minimum sediment forebay volume recommendation.</li> </ul>



Sediment Control BMPs	Description
Sediment Basin (continued)	<ul style="list-style-type: none"> <li>• The depth of the forebay will be dependent upon the required volume. It is recommended to keep the forebay depth between two (2) and four (4) feet.</li> <li>• A fixed sediment forebay cleanout stake is recommended. This cleanout stake is beneficial since the forebay may become inundated with sediment faster than the rest of the basin.</li> <li>• The recommended cleanout height for sediment forebays is one-half (1/2) the height of the forebay berm.</li> <li>• A clean-out stake marked at 50 percent of the designed sediment storage depth shall be provided in all sediment basins.</li> <li>• Basin length to width ratio minimum of 2L:1W.</li> <li>• Bottom slope shall be 0.5 percent or steeper.</li> <li>• Maximum embankment side slopes shall be 2H:1V. The recommended slope is 3H:1V to allow for ease of maintenance and stabilization of the banks.</li> <li>• Promptly stabilize all areas disturbed by the construction of the embankment including embankment side slopes and access areas.</li> <li>• All earthen basin side slope shall be protected with an erosion control blanket and appropriate seeding.</li> <li>• Temporary or permanent stabilization measures should be conducted as necessary.</li> <li>• Each outlet shall be designed to prevent scour and to reduce velocities during peak flow conditions. Each outlet should be directed towards pre-existing point source discharges or be equipped with a mechanism to release the discharge as close to sheet flow as possible to prevent the creation of new point source discharges.</li> <li>• Restrict the outlet from being placed within 20 linear feet of adjacent properties lines.</li> </ul>
Floating Skimmer	<ul style="list-style-type: none"> <li>• Sediment basins must dewater via an outlet structure that pulls water from the surface, unless infeasible. Options for this include skimmers and flashboard risers.</li> <li>• Sediment basins shall be designed to fully dewater in a minimum of two (2) days and a maximum of five (5) days.</li> <li>• Provide drawdown calculations of the selected skimmer(s).</li> </ul>
Porous Baffle	<ul style="list-style-type: none"> <li>• Porous baffles must be provided in all sediment basins and sediment traps, unless infeasible.</li> </ul>



Sediment Control BMPs	Description
Porous Baffle (Continued)	<ul style="list-style-type: none"> <li>• A minimum of three (3) porous baffle rows should be installed across the width of the entire sediment basin (including side slopes) where the basin length is greater than 50 feet.</li> <li>• For basins with a length of 50 feet or less, only two (2) rows of porous baffles are necessary to be installed.</li> <li>• The minimum spacing between baffle rows is 10 feet.</li> <li>• The recommended height of each baffle is three (3) feet.</li> <li>• When feasible, the height of each baffle should be equal to or above the 10-year, 24-hour storm design water surface elevation within the sediment basin.</li> <li>• Porous baffles should be composed of coir-based materials or TRMs with a light penetration (open space) between 10 percent and 35 percent.</li> <li>• Do not use baffles made of straw materials.</li> <li>• <b>Silt fence shall not be used as porous baffles.</b></li> <li>• Use steel posts with a minimum weight of 1.25 lb. per liner foot.</li> <li>• Install steel posts at a maximum of four (4) feet on center.</li> <li>• A rope or wire can be used along the top of the baffle to prevent excessive sagging between the posts.</li> </ul>
Sediment Trap	<ul style="list-style-type: none"> <li>• Sediment traps are used for drainage areas <b>less than 5 acres</b>.</li> <li>• Do not place sediment traps in Waters of the State or USGS blue-line streams.</li> <li>• Trapping efficiency calculations show a sediment trapping efficiency of at least 80 percent TSS for the 10-year, 24-hour storm event.</li> <li>• Sediment traps provide storage for the 10-year, 24-hour storm event for disturbed conditions or 1,800 ft<sup>3</sup>/acre draining to the trap.</li> <li>• The 10-year, 24-hour storm event for construction conditions cannot overtop the trap's spillway.</li> <li>• Sediment traps are designed for total area draining to them.</li> <li>• Rock outlet structure composed of 12-inch D50 riprap with 1-inch D50 washed stone on the upstream face. Place an underlying non-woven geotextile beneath the rock.</li> <li>• Design internal side slopes to be 3H:1V or flatter.</li> </ul> <p>Embankment Requirements:</p> <ul style="list-style-type: none"> <li>– Maximum dam height: 5 feet</li> <li>– Maximum stone height: 3.5 feet</li> <li>– Maximum rock bottom width: 3 feet</li> <li>– Maximum top flow length at top of riprap: 2 feet</li> </ul>



Sediment Control BMPs	Description
	<ul style="list-style-type: none"> <li>– Maximum rock embankment upstream and downstream side slopes: 2H:1V</li> <li>• Surface dewatering is not required for sediment traps.</li> <li>• Install at least two (2) rows of porous baffles in the sediment trap.</li> <li>• There should be at least 10 feet between each baffle and between any baffle row and any of the sediment trap inlets or outlet.</li> <li>• Install clean-out stake, marked at 50 percent of the designed sediment storage volume.</li> </ul>
Silt Fence	<ul style="list-style-type: none"> <li>• Only use silt fence in areas with drainage areas of less than one-fourth (1/4) acre per 100 linear feet of fence and do not use in areas with concentrated flows.</li> <li>• The maximum allowable slope steepness perpendicular to the fence line is 2H:1V.</li> <li>• See SCDOT Qualified Product (QPL) 34, or latest update, for acceptable silt fence fabric. Install filter fabric from continuous rolls cut to the length of the barrier.</li> <li>• 12 inches of fabric should be placed within an excavated trench and toed in when the trench is backfilled.</li> <li>• Install filter fabric a minimum of 24 inches above the ground.</li> </ul>
Rock Checks	<ul style="list-style-type: none"> <li>• A rock check dam is a small, temporary or permanent rock fill dam constructed across a drainage ditch, swale, or channel to lower the speed of concentrated flows.</li> <li>• Design rock check dams to have an 80 percent design removal efficiency goal of the total suspended solids (TSS) in the inflow <a href="#">for the 10-year, 24-hour storm</a>.</li> <li>• Do not place check dams in Waters of the State or USGS blue-line streams (unless approved by Federal authorities).</li> <li>• Install in steeply sloped swales or in swales where adequate vegetation cannot be established. Use rock check dams in small open channels.</li> <li>• Place a non-woven geotextile fabric over the soil surface where the rock ditch check is to be placed.</li> <li>• Composed of 12-inch D50 riprap with 1-inch D50 washed stone on the upstream face.</li> <li>• Shall not exceed a height of two (2) feet at the center line of the channel. Ensure center of ditch check is lower than the edges.</li> <li>• Have a minimum top flow length of two (2) feet.</li> <li>• Place riprap over channel banks to prevent runoff from cutting around the ditch check.</li> <li>• Place riprap by hand or mechanical placement (no dumping of rock to form dam).</li> </ul>





Sediment Control BMPs	Description
	<ul style="list-style-type: none"> <li>• Spacing varies with the bed slope of the ditch. Space rock checks such that the toe of the upstream check is at the same elevation as the top of the downstream check.</li> </ul>
Sediment Tubes  Sediment Tubes (continued)	<ul style="list-style-type: none"> <li>• Sediment tubes are elongated tubes of compacted geotextiles, curled excelsior wood, natural coconut fiber, or hardwood mulch.</li> <li>• Straw, pine needle, and leaf mulch-filled sediment tubes are not permitted.</li> <li>• Do not use straw, curled excelsior wood, or natural coconut rolled erosion control products (RECPs) rolled up to create a sediment tube.</li> <li>• See SCDOT Qualified Product List (QPL) 57, or latest update, for acceptable Sediment Tubes.</li> <li>• Install sediment tubes along contours, in drainage conveyance swales, and around inlets to help reduce the effects of soil erosion by energy dissipation and retaining sediment.</li> <li>• Sediment tubes, when used as checks within channels should range between 18 and 24 inches depending on the channel dimensions. Diameters outside this range may be allowed where necessary when approved.</li> <li>• Install each sediment tube in a trench with a depth of 20 percent the tube diameter.</li> <li>• Place sediment tubes up the side slopes of the channel a minimum of one (1) foot above the design flow depth of the channel.</li> </ul>
Construction Entrance	<ul style="list-style-type: none"> <li>• A stabilized construction entrance is a temporary stone-stabilized pad located at all points of vehicular ingress and egress on a construction site to reduce the amount of mud, dirt, and rocks transported onto public roads by motor vehicles equipment and runoff.</li> <li>• Install a non-woven geotextile fabric on the underlying soil prior to placing stone.</li> <li>• Install a culvert pipe underneath the entrance when needed to provide positive drainage.</li> <li>• Consists of 2-inch to 3-inch D50 stone placed at a minimum depth of six (6) inches.</li> </ul>
Inlet Protection	<ul style="list-style-type: none"> <li>• Storm drain inlet protection is achieved by placing a temporary filtering device around any inlet to trap sediment. This mechanism prevents sediment from entering inlet structures. Additionally, it serves to prevent the silting-in of inlets, storm drainage systems, or receiving channels. See SCDOT Qualified Product List (QPL) 58,</li> </ul>



Sediment Control BMPs	Description
Inlet Protection (Continued)	<p>or latest update, for acceptable Inlet Protection. There are seven (7) types of inlet structure filters, including:</p> <ul style="list-style-type: none"> <li>– Type A- Low Flow</li> <li>– Type B- Medium Flow, Low Velocity</li> <li>– Type C- Medium Flow, Medium Velocity</li> <li>– Type D- High Flow, High Velocity</li> <li>– Type E- Surface Course Curb Inlet</li> <li>– Type F- Inlet Tubes</li> <li>– Type G- Suspended Internal Inlet Filters</li> </ul>
Type A – Filter Fabric Inlet Protection	<ul style="list-style-type: none"> <li>• Low Flow Inlet Filters include filter fabric inlet protection.</li> <li>• Applicable for inlets with peak flow rates less than one (1) cubic feet per second where the inlet drainage area has grades less than five (5) percent and the immediate drainage area (five-foot radius around the inlet) has grades less than one (1) percent.</li> <li>• Do not use Type A inlet filters for areas receiving concentrated flow.</li> </ul>
Type A – Sediment Tube Inlet Protection	<ul style="list-style-type: none"> <li>• Low Flow Inlet Filters include 18-inch diameter sediment tubes.</li> <li>• Applicable for inlets with peak flow rates less than one (1) cubic feet per second where the inlet drain area has grades less than five (5) percent and the immediate drainage area (five-foot radius around the inlet) has grades less than one (1) percent.</li> <li>• Do not use Type A inlet filters for areas receiving concentrated flow.</li> </ul>
Type B – Wire Mesh and Stone Inlet Protection	<ul style="list-style-type: none"> <li>• Medium Flow, Low Velocity Inlet Filters include wire mesh and stone inlet protection.</li> <li>• Applicable for inlets with peak flow rates less than three (3) cubic feet per second where the inlet drain area has grades less than five (5) percent.</li> <li>• Flow velocities to the inlet may not exceed three (3) feet per second.</li> <li>• Applicable where an overflow capacity is not required to prevent excessive ponding around the structure.</li> </ul>
Type C – Block and Gravel Inlet Protection	<ul style="list-style-type: none"> <li>• Medium Flow, Medium Velocity Inlet Filters include block and gravel inlet protection.</li> <li>• Applicable for inlets with peak flow rates less than three (3) cubic feet per second where the inlet drain area has grades less than five (5) percent.</li> <li>• Flow velocities to the inlet may not exceed five (5) feet per second.</li> <li>• Applicable where an overflow capacity is not required to prevent excessive ponding around the structure.</li> </ul>



Sediment Control BMPs	Description
	<ul style="list-style-type: none"> <li>Not applicable in areas exposed to traffic, such as median drains.</li> </ul>
Type D – Rigid Inlet Protection	<ul style="list-style-type: none"> <li>Rigid Inlet Filters include prefabricated inlet filters composed of a geotextile fabric connected to a rigid structure.</li> <li>Applicable for drainage areas up to two (2) acres with peak flow rates greater than three (3) cubic feet per second where the inlet drain area has grades greater than five (5) percent.</li> </ul>
Type D – Rigid Inlet Protection (Continued)	<ul style="list-style-type: none"> <li>Flow velocities to the inlet may exceed three (3) feet per second.</li> <li>These filters are used for median applications (Type D1) and for sump applications (Type D2).</li> <li>Applicable where an overflow capacity is required to prevent excessive ponding around the structure.</li> <li>Capable of protecting inlet structures not associated with curb inlets. The inlets may include, but are not limited to yard inlets, DI 24-inches, DI 24-inches by 36-inches and manholes.</li> </ul>
Type E – Surface Course Curb Inlet Protection	<ul style="list-style-type: none"> <li>Surface Course Curb Inlet Filters include prefabricated inlet filters composed of a synthetic material that has aggregate compartments for stone, sand, or other weighted mechanisms to hold the unit in place.</li> <li>Applicable for roadway catch basins after the road surface course is placed.</li> </ul>
Type F – Inlet Tube	<ul style="list-style-type: none"> <li>Inlet Tubes are classified in two (2) categories: weighted and non-weighted. <ul style="list-style-type: none"> <li>Weighted inlet tubes are applicable for inlets with drainage areas less than one (1) acre. Weighted inlet tubes are used for placement on gravel, concrete, asphalt or other hard surfaces around drainage inlets where stakes cannot be driven. Weighted inlet tubes are applicable where construction traffic may occur around the inlet. All weighted Type F Inlet Structure Filters are applicable as Type E Inlet Structure Filters.</li> <li>Non-weighted inlet tubes are inlet tubes applicable for Catch Basins with drainage areas less than one (1) acre where stakes or posts are driven to hold the tube in place. For non-weighted inlet tube applications, an inlet tube is placed on subgrade and is applicable until the road base course is placed.</li> </ul> </li> <li>Both weighted and non-weighted inlet tubes are applicable as weep hole inlet filters, but non-weighted inlet tubes can only be used in situations where stakes are driven into the ground or subgrade to secure the tube.</li> </ul>
Type G – Suspended Internal Inlet Filters	<ul style="list-style-type: none"> <li>Install a Type G suspended inlet filter for inlets with drainage areas less than one (1) acre and peak flow rates to the inlet less than three (3) cubic feet per second.</li> </ul>



Sediment Control BMPs	Description
Type G – Suspended Internal Inlet Filters (Continued)	<ul style="list-style-type: none"><li>• Use Type G suspended inlet filters to protect inlet structures such as Catch Basin Type 9, yard inlets, Drop Inlet 24 inches by 24 inches, Drop Inlet 24 inches by 36 inches, and manholes.</li><li>• Use Type G internal inlet filters that are manufactured to fit the opening of the catch basin or drop inlet. Use Type G internal inlet filters during construction to prevent silt and sediment from entering drainage systems while allowing water to pass through freely.</li></ul>
Rock Sediment Dikes	<ul style="list-style-type: none"><li>• Rock sediment dikes are semi-circular sediment control structures constructed across drainage ditches, swales, low areas, or other areas that receive concentrated flow.</li><li>• A rock sediment dike consists of a half circular shaped rock embankment with a sump area constructed for sediment storage. Design rock sediment dikes to have an 80 percent design removal efficiency goal of the total suspended solids (TSS) <a href="#">in the inflow for the 10-year, 24-hour storm</a>.</li><li>• Rock sediment dikes are most effective in areas where sediment control is needed with minimal disturbance. Use as a sediment control structures for the outfalls of diversion swales, diversion dikes, in low areas or other areas where concentrated sediment laden flow is expected.</li><li>• Use rock sediment dikes for drainage less than two (2) acres.</li><li>• Do not place rock sediment dikes in Waters of the State (unless approved by DHEC, State, or Federal authorities).</li></ul>

#### **Runoff Conveyance BMPs**

Standard application runoff conveyance BMPs are recommended for use in a wide variety of application situations. These structural controls have demonstrated the ability to effectively convey runoff or standing water during construction. Design methodologies are available to design these BMP types.

**Table 14**

**Table 14** lists runoff conveyance BMPs that may be used during construction activities.



**Table 13: Runoff Conveyance BMPs**

Runoff Conveyance BMPs	Description
<p>Pipe Slope Drains</p> <p>Pipe Slope Drains (Continued)</p>	<ul style="list-style-type: none"> <li>• Pipe slope drains reduce the risk of erosion by discharging concentrated runoff from the top to the bottom of slopes.</li> <li>• Use pipe slope drains where it is necessary for water to flow down a slope without causing erosion, especially before a slope has been stabilized or before permanent drainage structures are installed. Install temporary pipe slope drains prior to construction of permanent drainage structures.</li> <li>• Stabilize the inlets and outlets of pipe slope drains with flared end sections, Erosion Control Blankets (ECBs), Turf Reinforcement Mats (TRMs), or riprap. Fully compact the soil around the pipe entrance to prevent bypassing and undercutting of the structure. Stabilize the discharge end of the pipe and along the bottom of any swales that lead to sediment trapping structures.</li> <li>• Typical pipe slope drains are made of non-perforated corrugated plastic pipe and are designed to pass the peak flow rates for the 10-year, 24-hour storm event.</li> </ul>
Temporary Stream Crossing	<ul style="list-style-type: none"> <li>• A temporary stream crossing is a bridge or culvert across a stream or watercourse for short-term use by construction vehicles and heavy equipment. A stream crossing provides a means for construction vehicles to cross streams or watercourses without moving sediment to streams, damaging the stream bed or channel, or causing flooding.</li> <li>• Prior to constructing a temporary stream crossing, the owner/person financially responsible for the project must submit an Application for Permit to construct across or along a stream to DHEC.</li> <li>• Temporary stream crossings require authorization. Refer to the US Army Corps of Engineers and DHEC nationwide 401 and 404 regulations, or latest update, for information on permitting requirements.</li> </ul>
Diversion Measures	<ul style="list-style-type: none"> <li>• Diversion dikes and berms (ridges of compacted soil) and diversion swales (excavated depressions) are used to divert upslope runoff from crossing areas where there is a high risk of erosion. Use runoff conveyance structures as temporary clean water diversions, temporary sediment laden diversions, or permanent clean water diversions. Use runoff control measures as either temporary or permanent stormwater control structures.</li> </ul>



Runoff Conveyance BMPs	Description
	<ul style="list-style-type: none"> <li>• Complete stabilization of stormwater conveyance channels within seven (7) days of channel construction. Examples of vegetative and non-vegetative stabilization techniques include channel liners, rolled erosion control products (e.g., erosion control blankets and turf reinforcement mats), riprap, geotextiles, or other armoring materials that are suitable for use in areas with concentrated or channelized flow.</li> <li>• Application of mulch, HECP, tackifier, or similar erosion prevention practices that are erodible, conveyable, or that obstruct flow when used in areas with concentrated or channelized flow in stormwater conveyance channels is prohibited.</li> </ul>
Level Spreader	<ul style="list-style-type: none"> <li>• A level spreader is a permanent outlet for dikes and diversions consisting of an excavated channel constructed at zero grade across a slope that converts concentrated runoff to sheet flow and releases it onto areas stabilized by existing vegetation.</li> <li>• Sediment-laden waters should not be directed towards level spreaders.</li> </ul>
Subsurface Drains	<ul style="list-style-type: none"> <li>• A subsurface drain is a perforated pipe or conduit placed beneath the surface of the ground at a designed depth and grade. Subsurface drains are used to do the following: <ul style="list-style-type: none"> <li>– Draining areas by intercepting and conveying groundwater</li> <li>– Lower the water table</li> <li>– Drain or de-water stormwater detention structures</li> <li>– Prevent sloping soils from becoming excessively wet and subject to slippage</li> </ul> </li> </ul>
Construction Dewatering	<ul style="list-style-type: none"> <li>• Construction dewatering involves removing stormwater or ground water from bore pits, trenches, and other excavations on a construction site. Typically, this removal of water involves the pumping of the water to an appropriate receiving area. Direct pumping to lakes, rivers, and streams is illegal and must be avoided.</li> <li>• Size the pump utilized for de-watering purposes properly. Each pump has its own unique rating curve; therefore, it is not feasible to list them in this chapter. The pump rating curve is used to calculate pump design flows based on head loss through the pump system.</li> <li>• Pump sediment-laden water directly to: <ul style="list-style-type: none"> <li>– A sediment control structure (sediment basin, sediment trap, manufactured de-watering device or bag)</li> <li>– An infiltration trench</li> </ul> </li> </ul>



Runoff Conveyance BMPs	Description
	<ul style="list-style-type: none"> <li>– A buffer strip or zone</li> </ul>
Concrete Washout	<ul style="list-style-type: none"> <li>• Concrete washouts are designed to minimize or eliminate the discharge of concrete waste materials to storm drain systems or to waterbodies. Concrete waste management procedures and practices are implemented on construction projects where:               <ul style="list-style-type: none"> <li>– Concrete or mortar is used as a construction material or where concrete dust and debris result from demolition activities.</li> <li>– Slurries containing Portland cement concrete (PCC) or asphalt concrete (AC) are generated, such as from saw cutting, coring, grinding, grooving, and hydro-concrete demolition.</li> <li>– Concrete trucks and other concrete-coated equipment are washed on site.</li> <li>– Mortar-mixing stations exist.</li> </ul> </li> <li>• Place a sign within 30 feet of each temporary concrete washout facility to inform concrete equipment operators to utilize the proper facilities.</li> <li>• Temporary concrete washout facilities are located a minimum of 50 feet from storm drain inlets, open drainage facilities, waterbodies, creek banks, or perimeter control unless determined infeasible by the Design Engineer. Each facility is located away from construction traffic or access areas to prevent disturbance or tracking.</li> <li>• Above Grade Temporary concrete washout facilities are constructed with a minimum length and width of 10 feet and sufficient quantity and volume to contain all liquid and concrete waste generated by washout operations. The length and width of a facility may be increased, upon approval from the Design Engineer. Plastic lining material is a minimum of 10-millimeter polyethylene sheeting and is free of holes, tears, or other defects that compromise the impermeability of the material. Portable delineators are applied only to a clean, dry surface.</li> <li>• Below Grade Temporary concrete washout facilities are constructed with a recommended minimum length and width of 10 feet and sufficient quantity and volume to contain all liquid and concrete waste generated by washout operations. The length and width of a facility may be increased, upon approval of the Design Engineer. Lath and flagging shall be commercial type. Plastic lining material is a minimum of 10-millimeter polyethylene sheeting and is free of holes, tears, or other defects that compromise the impermeability of the material. The soil base is</li> </ul>
Concrete Washout (continued)	



Runoff Conveyance BMPs	Description
	<p>prepared free of rocks or other debris that may cause tears or holes in the plastic lining material.</p> <ul style="list-style-type: none"><li>• Clean out all temporary concrete washout facilities when they are 50 percent full.</li><li>• When temporary concrete washout facilities are no longer required for the work, the hardened concrete shall be removed and disposed of in conformance with the provisions in the Project Standard Specifications. Materials used to construct temporary concrete washout facilities shall be removed from the site of the work. Holes, depressions, or other ground disturbance caused by the removal of the temporary concrete washout facilities shall be backfilled and stabilized.</li></ul>

#### **Maintenance of BMPs During Construction**

Proper operation and maintenance of BMPs is critical to ensure that the effectiveness and integrity of the BMPs as water quality control is maximized. This insurance is critical in a performance-based program of stormwater runoff controls. BMP maintenance is the responsibility of the facility owner.

All BMPs and other protective measures identified in the SWPPP shall be maintained in effective operating condition. If construction site inspections identify BMPs that are not operating effectively, maintenance shall be performed within seven (7) calendar days, before the next inspection, or as soon as reasonably possible, and before the next storm event whenever practicable to maintain the continued effectiveness of the BMPs.

If periodic inspection or other information indicates that a BMP has been used inappropriately, or incorrectly, the Permittee shall address the necessary replacement or modification required to correct the BMP within 48 hours of identification. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation shall be documented in the SWPPP and alternative BMPs shall be implemented as soon as reasonably possible.

Remove deposited sediment from sediment traps or sedimentation basins when the design capacity has been reduced by 50 percent or the sediment has reached the clean out point on the cleanout stake (whichever occurs first).

Remove deposited sediment collected by sediment control measures (silt fence, check dams, sediment tubes, etc.) when the deposited sediment reaches one-third ( $\frac{1}{3}$ ) the height of the above-ground portion of these BMPs, or as directed by the engineer.

#### **Selection of Permanent BMPs**

There are two (2) major categories of permanent best management practices (BMPs), non-structural





and structural. Non-structural BMPs are passive or programmatic BMPs. Non-structural BMPs include public education and outreach, used oil recycling, household hazardous waste turn-in, litter control programs, zoning and land use controls, chemical applicator certification and training, etc. Non-structural BMPs tend to be source control BMPs that reduce pollution in runoff by reducing the opportunity for the pollutants to be exposed to stormwater runoff.

Structural BMPs are physical structures that can be seen on the ground, including wet and dry ponds, bioretention areas, grassed swales, filter strips, buffer strips, and manufactured BMPs, such as catch basin inserts. Some structural BMPs are passive and are considered source controls while others are considered end of pipe treatment.

BMP selection is a complex process. There are a number of competing factors that need to be addressed when selecting the appropriate BMP or suite of BMPs. BMPs should be incorporated into a comprehensive stormwater management plan. Without proper BMP selection, design, construction, and maintenance, BMPs will not be effective in managing stormwater runoff. BMP selection can be tailored to address the various sources of runoff and pollutants produced from urbanized areas. Site suitability for selecting a particular BMP strategy is key to successful performance. Most BMPs have limitations for their applicability and therefore cannot be applied in all areas. Considerations to incorporate into BMP selection are:

- Size of drainage area
- Land use
- Average rainfall frequency, duration and intensity
- Runoff volumes and flow rates
- Soil types
- Site slopes and geology/topography
- Availability of land for BMP installation
- Future development/land use in watershed
- Depth to groundwater table
- Availability of supplemental water to support vegetative BMPs
- Susceptibility to freezing
- Safety and community acceptance
- Proper access for maintenance
- Periodic and long-term maintenance and rehabilitation needs

#### **BMP Selection Considerations**

In most cases, Permanent Wet/Dry Detention Ponds are the most common post-construction feature that is for both stormwater quantity and quality control. Other practices may be acceptable to the County if they can be show equivalent or superior pollutant removal efficiency and provide adequate peak flow control. Use of other BMP practices shall be approved as determined during the formal review submittal.



### **Floodplains**

Placement of stormwater BMPs within a designated 100-year floodplain as shown on FEMA's Flood Insurance Rate Map (FIRM), is strongly discouraged. In case of a large flood, floodwaters could cause significant damage to the BMP. No stormwater BMP will be allowed in the designated "floodway" without a Conditional Letter of Map Revision (CLOMR) obtained from FEMA certifying that the proposed BMP will not adversely affect flood elevations. Stormwater BMPs placed in the floodplain should be appropriately constructed to prevent damage from floodwaters.

### **Stream Buffers**

Stream buffers protect the overall quality of the stream by achieving pollutant removal as runoff flows through the buffer and by providing shade for the stream and habitat for wildlife. Placing stormwater BMPs in stream buffers is strongly discouraged; other alternative locations should be examined.

Whenever there is a practical alternative, structural BMPs should not be placed in stream buffers. If encroachment into the stream buffer is needed, the amount of stream buffer area that is impacted should be minimized and the distance between the impact and the stream channel should be maximized. In addition, consideration should be given to the design of the BMP discharge to prevent erosion in the buffer zones and of stream banks. [See Richland County Land Development Code, Section 26-5.11\(a\).](#)

### **Waterbodies and Wetlands**

It is the intent to design stormwater management devices to remove pollutants before they have a chance to enter jurisdictional waters and wetlands. Stormwater BMPs should be constructed outside of perennial streams and natural wetland areas unless no practical alternative exists. In addition, natural or existing lakes, ponds, and wetlands should not be considered for stormwater BMP retrofits until Federal and State Permits for such purpose have been obtained. The U.S. Army Corps of Engineers (USACE) requires that all impacts to jurisdictional waters and wetlands are reported. Depending on the impact, the USACE and other federal and state agencies may require the applicant to obtain permits, prepare environmental documents, mitigate for the impact, and adhere to other permit requirements.

### **Impoundment Safety**

Stormwater BMPs designed to impound water may pose a potential hazard to downstream citizens and property. Because stormwater BMPs are mostly used in urbanized areas or rapidly growing areas, potential hazards related to water impoundments and dams are increased. Construction of a dam to create a stormwater impoundment (pond) shall be classified according to size and potential hazard to downstream areas and meet South Carolina dam safety regulations applicable for those size and hazard classifications.

### **Maintenance**

All permanent BMPs must have as-built certifications submitted to the appropriate Richland County department for recording. All permanent BMPs must be shown on an as-built plat, have appropriate access for maintenance, and must include the appropriate maintenance agreement. [All maintenance of privately owned stormwater management facilities shall be the sole responsibility and at the sole cost and expense of the owner\(s\) of such facilities.](#)



#### **Impervious Areas**

Runoff shall be discharged from impervious surfaces through retention basins, detention basins, filtering BMPs, Manufactured Treatment Devices (MTDs) and/or subject to some type of BMP prior to discharge from the project site. BMP means a practice or combination of practices determined by the design professional to be the most effective means of preventing or reducing the amount of siltation and pollution discharged from the project site.

#### **Stagnant Water Conditions**

Dead end flow configurations, which create stagnant water conditions, shall not be allowed. All BMPs shall be designed, constructed, and maintained with consideration for the proper control of mosquitoes and other vectors.

#### **Stormwater Management Structure Access and Maintenance**

Areas to be utilized for the conveyance or storage of stormwater shall be legally reserved for that purpose by plat, easement or other means so that subsequent owners or others may not remove such areas from their intended use. Such areas shall be connected to a public road or other location from which operation and maintenance is legally available. Ease of maintenance shall be considered as a site design component. Access to the stormwater management structure shall be provided.

A clear statement of defined maintenance responsibility shall be established during the SWPPP review and approval process. A Maintenance Agreement shall be signed for all permanent structural BMPs.

#### **Upstream Runoff**

Runoff from higher adjacent or upstream lands shall be considered and provisions for conveyance of such runoff shall be included in drainage plans. As directed by the County Engineer, upstream analysis shall be conducted to demonstrate to the extent practicable the project has capacity to convey upstream runoff and does not cause adverse upstream impacts, such as flooding.

#### **Infiltration BMP Design Requirements**

Infiltration can be an effective practice of controlling post-construction stormwater runoff since it reduces the volume of runoff that is discharged to receiving waters and the associated water quality and quantity impacts that runoff can cause. Infiltration is also an important mechanism for pollutant control. As runoff infiltrates into the ground, particulates and attached contaminants such as metals and nutrients are removed by filtration, and dissolved constituents can be removed by adsorption. Infiltration is not appropriate in all areas. Low soil infiltration rates, high or perched groundwater tables, or bedrock may limit the feasibility and/or the effectiveness of infiltration practices.

If infiltration BMPs are selected, strict development designs will have to be approved by the County Engineer.

Permanent infiltration practices, when used, shall be designed to meet Richland County WQ Design Standards, described previously in the Post-Construction Water Quality Standards section.



The minimum allowable infiltration rates of all underlying soils shall be greater than 0.5 inches per hour. Infiltration BMPs shall be designed for the prevention of clogging by fine materials and for ease of cleaning with conventional vacuum cleaning equipment. This may include but not necessarily be limited to wrapping of the Infiltration BMP (perforated pipes/chambers/trenches) with an appropriate fabric and providing sufficient clean outs for the system.

Systems shall have an overflow to a positive drainage system with a control device, if necessary, between the subsurface system and the positive drainage system. The overflow pipe shall be sized for the allowable discharge.

#### **Soil Testing – Infiltration Rates**

Soil testing for infiltration rates shall be performed ~~by a registered licensed geotechnical engineer~~ for BMPs such as Infiltration Trenches, Bioretention, Dry Detention Ponds, and Wet Detention Ponds by a registered licensed geotechnical engineer.

The number of infiltration test locations (and subsequent measurements) required\* varies based on BMP surface area as described below:

- Less than 1 acre: 3 test locations/measurements
- Greater than or equal to 1 acre but less than 5 acres: 4 test locations/measurements
- Greater than 5 acres: 5 test locations/measurements

\*For BMPs of any size, additional tests may be required at the discretion of the County.

~~A minimum of five (5) separate locations shall be tested for infiltration rates for each BMP.~~

In general, these tests shall be conducted in the four (4) corners and the center of spatially distributed the BMP to represent conditions across the BMP. -

The initial test elevation at each locations shall be at the same contour elevation as the bottom/invert of the Infiltration BMP.

For tests involving excavation of a test well or extraction of a soil core, each test shall be conducted to a depth 4 feet below the bottom/invert of the BMP.

Infiltration BMPs shall be designed and validated based on actual test data. Tests shall be consistent as to soil conditions, proposed infiltration BMP elevations, infiltration BMP locations, and water table depths with the proposed infiltration BMP system.

The following tests are allowable to determine infiltration rate for soils (other test methods must be approved by the County Engineer):

- Laboratory Permeameter Test for saturated hydraulic conductivity on undisturbed soil samples (ASTM D5084)
- Double Ring Infiltrometer Test to estimate the initial vertical unsaturated permeability data of the upper soil layer (ASTM D 3385)
- Constant Head Test in soils with permeability that allow keeping the test hole filled with water



- during the field test (AASHTO T 215)
- Modified Philip Dunne Infiltrometer Test to measure field infiltration rate and calculate field hydraulic conductivity (ASTM 8152)
- Falling Head Test in areas with excellent soil percolation where keeping the test hole filled with water is not feasible during the test

### Acceptable Post-Construction Water Quality BMPs

**Table 15** ~~Table 15~~ lists the acceptable water quality BMPs that may be used and notes whether they are appropriate for standard, limited, or minimal applications.

Design methodologies and computer models such as the IDEAL model are available that can compute the efficiency of these BMPs to demonstrate compliance with Richland County WQ Standards described previously in the Post-Construction Water Quality Design Standards section.

**Table 14: Acceptable Post-Construction Water Quality BMPs**

Standard Application Structural BMPs	Limited Application Structural BMPs	Minimal Application Controls
<ul style="list-style-type: none"><li>• Wet Detention Ponds</li><li>• Wet Modified Extended Detention Ponds</li><li>• Dry Extended Detention Ponds</li><li>• Infiltration Trenches and Dry Wells</li><li>• Bioretention</li><li>• Vegetated Filter Strip</li></ul>	<ul style="list-style-type: none"><li>• Grass Swale</li><li>• Enhanced Swale</li><li>• Porous Paver Systems</li><li>• Porous Asphalt or Concrete</li><li>• MTD Type 3 (Media Filter Inserts)</li></ul>	<ul style="list-style-type: none"><li>• Infiltration Basin</li><li>• Constructed Stormwater Wetlands</li></ul>

### Standard Application Structural BMPs

Standard application structural BMPs are recommended for use in a wide variety of application situations. These structural controls have demonstrated the ability to effectively treat stormwater runoff for water quality for post-development stormwater runoff.

Standard application structural BMPs are recommended for use in a wide variety of application situations. These structural controls have demonstrated the ability to effectively treat stormwater runoff for water quality for post-development stormwater runoff. Design methodologies and computer models such as the IDEAL model are available that can compute the efficiency of these BMP types.

**Table 16** ~~Table 16~~ lists the standard application structural BMPs.



**Table 15: Standard Application Structural BMPs**

Standard Application Structural BMPs	Description
Wet Detention Ponds	<ul style="list-style-type: none"> <li>Wet Detention Ponds are constructed stormwater basins that have a permanent pool of water.</li> <li>Are applicable to drainage areas over 25 acres.</li> <li>Stormwater runoff from each rain event is detained and treated in the temporary water quality pool and released at a designed rate to achieve water quality requirements.</li> <li>Are also applicable to achieve water quantity requirements.</li> </ul>
Wet Modified Extended Detention Ponds	<ul style="list-style-type: none"> <li>Wet Modified Extended Detention Ponds are constructed stormwater basins that have a permanent micropool of water.</li> <li>Are applicable to drainage areas between 10 and 25 acres.</li> <li>Stormwater runoff from each rain event is detained and treated in the temporary water quality pool and released at a designed rate to achieve water quality requirements.</li> <li>Are also applicable to achieve water quantity requirements.</li> </ul>
Dry Extended Detention Ponds	<ul style="list-style-type: none"> <li>Dry Extended Detention Ponds are constructed stormwater basins that do not have a permanent pool of water.</li> <li>Are restricted to sites with a maximum drainage area of 25 acres.</li> <li>Stormwater runoff from each rain event is detained and treated in the temporary water quality pool and released at a designed rate to achieve water quality requirements.</li> <li>Are also applicable to achieve water quantity requirements.</li> </ul>
Infiltration Trench	<ul style="list-style-type: none"> <li>An infiltration trench is an excavated trench filled with stone aggregate used to capture and allow infiltration of stormwater runoff into the surrounding soils from the bottom and sides of the trench to achieve water quality requirements.</li> <li>Alone, typically not applicable to achieve water quantity requirements.</li> <li>Applicable for drainage areas up to two (2) acres.</li> </ul>
Bioretention	<ul style="list-style-type: none"> <li>Bioretention Areas are shallow stormwater basins or landscaped areas that utilize engineered soils and vegetation to capture and treat stormwater runoff to achieve water quality requirements.</li> <li>Runoff may be returned to the conveyance system or partially exfiltrated into the soil.</li> <li>Alone, typically not applicable to achieve water quantity requirements.</li> <li>Applicable for drainage areas up to two (2) acres.</li> </ul>



Standard Application Structural BMPs	Description
Vegetated Filter Strips	<ul style="list-style-type: none"> <li>Vegetated filter strips provide filtering of stormwater runoff as it flows across the vegetation and are capable of achieving water quality requirements for small drainage areas less than 1 acre.</li> </ul>
Manufactured Treatment Devices (MTDs) Type 1 and Type 2	<ul style="list-style-type: none"> <li>MTDs use the movement of stormwater runoff through a specially designed structure to achieve water quality requirements.</li> <li>MTDs are not designed or intended to store a water quality volume.</li> <li>MTD pollutant removal efficiencies are variable and are highly dependent on storm size, influent pollutant concentrations, rainfall intensity, and other factors.</li> <li>There are three (3) types of MTDs: MTD Type 1 – Separation, Hydrodynamic Devices; MTD Type 2 – Filtration Devices; and MTD Type 3 – Catch Basin Inserts (Filter Media Inlet Protection).</li> <li>MTD Type 1 and 2 are Standard Application BMPs that are applicable for drainage areas up to three (3) acres. (See Limited Application BMPs for MTD Type 3).</li> </ul>

#### **Limited Application Structural BMPs**

Limited application structural controls are recommended only for limited use with special site or design conditions. Limited application structural controls may be used within a system of water quality controls. Limited application structural controls should be used only in situations where regular maintenance is practicable. Limited structural controls demonstrate the ability to effectively treat stormwater runoff for water quality.

**Table 17** lists the limited application structural BMPs.

**Table 16: Limited Application Structural BMPs**

Limited Application Structural BMPs	Description
Grassed Swale	<ul style="list-style-type: none"> <li>Grassed swales provide filtering of stormwater runoff as it flows across vegetation and may be capable of achieving water quality standards</li> <li>Grassed swales are best used as pretreatment measures or part of a treatment system approach.</li> <li>Grassed channels and swales must be a minimum of 100 feet long with minimum 0.5-foot high flow controls structures installed to provide effective treatment.</li> <li>The maximum drainage area to grassed swales is five (5) acres.</li> </ul>
Enhanced Swales	<ul style="list-style-type: none"> <li>Enhanced Swales are vegetated open channels that are explicitly designed and constructed to capture and treat stormwater runoff in dry or wet cells formed by flow control structures to achieve water quality requirements.</li> </ul>



Limited Application Structural BMPs	Description
Porous Paver Systems	<ul style="list-style-type: none"> <li>• Porous paver systems consist of open void paver units laid on gravel subgrade to promote stormwater infiltration. Porous pavers provide water quality and quantity benefits but have high maintenance requirements.</li> </ul>
Porous Asphalt or Concrete	<ul style="list-style-type: none"> <li>• The use of porous pavement other than the modular block porous pavers provides limited water storage and infiltration of runoff from small, low-intensity storm events.</li> <li>• Porous asphalt and concrete pavement surfaces are easily clogged by clays, silts, and oils resulting in a potentially high maintenance burden to maintain the effectiveness of this structural control.</li> <li>• Without proper maintenance porous pavement systems may become partially or totally clogged within five (5) years.</li> <li>• Failure has been attributed to inadequate construction techniques, low permeable soils and/or restricting layers, heavy vehicular traffic, and resurfacing with nonporous pavement materials.</li> </ul>
MTD Type 3 (Media Filter Inserts)	<ul style="list-style-type: none"> <li>• MTDs use the movement of stormwater runoff through a specially designed structure to achieve water quality requirements.</li> <li>• MTDs are not designed or intended to store a water quality volume.</li> <li>• MTD pollutant removal efficiencies are variable and are highly dependent on storm size, influent pollutant concentrations, rainfall intensity, and other factors.</li> <li>• MTD Type 3 is a Limited Application BMP applicable for drainage areas up to 0.5 acres.</li> </ul>





### **Minimal Application Controls**

Minimal application controls present difficulties in long term operation and maintenance. [Table 18](#) lists minimal application controls.

**Table 17: Minimal Application Controls**

Minimal Application Controls	Rationale for Lack of Recommendation
Infiltration Basin	<ul style="list-style-type: none"><li>• While in theory, infiltration basins provide excellent pollutant removal capabilities, the reality is that infiltration basins have historically experienced high rates of failure due to clogging associated with poor design, poor soil testing, poor soils, improper construction and lack of needed maintenance.</li><li>• Records show that 60 to 100 percent of infiltration basins studied could no longer exfiltrate runoff after five (5) years.</li><li>• Major design refinement and site investigation will be required to achieve sufficient longevity.</li><li>• They also require an exceptionally high maintenance burden.</li></ul>
Constructed Stormwater Wetlands	<ul style="list-style-type: none"><li>• Stormwater wetlands are capable of removing pollutants by acting like natural wetlands.</li><li>• To accomplish pollutant removal goals, maintain adequate pool depths, and remain safe, aesthetically pleasing, and free of mosquitoes, they must be maintained properly.</li><li>• Constructed wetlands must have the proper underlying soils to maintain the proper water level to support the wetland environment while also receiving enough base flow or intermediate flow to inhibit the system from becoming stagnant.</li><li>• Without consistent maintenance, modification, and upkeep of the wetland vegetation, the effectiveness of the stormwater wetland rapidly decreases.</li></ul>



### **Using Other or New Structural Stormwater BMPs**

Innovative technologies are allowed and encouraged providing there is sufficient documentation as to their effectiveness and reliability. Other structural stormwater BMPs not presented in this Manual are allowed, subject to pre-approval by the County Engineer. Justification for use of other stormwater controls must be based on independently derived information concerning performance, maintenance, and use requirements and limitations.

More specifically, new structural stormwater control designs will not be accepted for inclusion in this Manual until independent pollutant removal performance monitoring data determines that the practice can aid in meeting County water quality/quantity objectives, and that the stormwater control conforms with local and/or State criteria for treatment, maintenance, and environmental impact.

#### **Required Specifications**

Due to the variable nature and limited performance data available for most innovative technologies, it is highly recommended that the designer meets with County staff to discuss the proposal before developing detailed plans and calculations. All available data concerning system efficiencies and performance will be evaluated at that time.

If applicable, follow the manufacturer's specifications for installing proprietary systems.

A maintenance plan and schedule shall be submitted for approval. When maintenance guidelines are available from the manufacturer, they should be incorporated into the maintenance plan.

If the innovative technology will ultimately be maintained by the County, easements will be required for access. Adequate grading and widths shall be provided to safely accommodate the County's operation and maintenance vehicles.



## Chapter 4: Water Quality Buffer Requirements

It is the intent of the Department of Public Works to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands, and floodplains of the County of Richland; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of the County's land resources.

A water quality buffer is an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands, and seeps. Buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as channels, gullies, or wet weather conveyances. Therefore, it is critical that design of all development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into the buffer zone as shallow sheet flow. Water quality buffers provide numerous environmental protection and resource management benefits including:

- Restoring and maintaining the chemical, physical and biological integrity of the water resources;
- Removing pollutants delivered in urban stormwater;
- Reducing erosion and controlling sedimentation;
- Stabilizing stream banks;
- Providing infiltration of stormwater runoff;
- Maintaining base flow of streams;
- Contributing the organic matter that is a source of food and energy for the aquatic ecosystem;
- Providing tree canopy to shade streams and promote desirable aquatic organisms;
- Providing riparian wildlife habitat; and
- Furnishing scenic value and recreational opportunity.

In residential developments, required buffers should be platted on common property and not on private property.

### Exemptions

The water quality buffer requirements shall not apply to the following, as stated in ~~Section 26-187-~~ ~~(b)~~ 26-5.11(a)(2)c of the Richland County Land Development Code:

- Ephemeral streams, ditches, manmade ponds, and lakes, which are outside of natural hydrologic connectivity;
- Any existing structure or structure under construction located within the buffer area provided the landowner can document prior existence;
- The addition or expansion to an existing structure provided it does not result in an increase in the total impervious area within the buffer area;
- Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up; and
- Single-family parcels of land, which exist as individual lots that are two (2) acres or less and are



not part of a new subdivision development.

If any portion of a parcel proposed for development lies within an area designated on an officially adopted Conservation Easement as a proposed trail or greenway, the developer shall construct the designated improvements in accordance with County standards and dedicate such land to the County.

### Stream Buffers

Stream buffers shall be considered a “no disturb zone” along jurisdictional lines. Vegetation cannot be disturbed, removed or replanted unless a buffer restoration plan has been approved by the ~~Department of Community Planning and Development Staff~~ **County Engineer or their designee**. The following are requirements to expand the buffer widths depending on slopes, water pollution hazards, or other uses that may contribute to water quality degradation. The buffer width shall be calculated as follows, as stated in ~~Section 26-187 (c) (1)~~ **5.11(a)(3)(b)** of the Richland County Land Development Code:

- Along jurisdictional perennial streams identified by the USACE, not associated with a floodplain or wetlands, the buffer shall be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway.
- In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area shall be equal to the width of the floodway, but never less than 50 feet.
- In areas where a floodway profile has not been computed along a perennial stream (A Zones), the developer shall perform a flood study, determine the floodway and follow the buffer requirements outlined above. As an alternative to preparing the flood study, the buffer limits shall extend to the delineated flood plain limits.
- Along jurisdictional intermittent streams identified by the USACE, the buffer shall be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway. If these streams have associated floodway as described above, the same requirements would apply to have a total width of 50 feet.
- For delineated wetland areas associated with perennial streams, the buffer shall be at least 50 feet during construction. This buffer width is independent of any wetland offset requirements of the USACE.
- For delineated wetland areas associated with intermittent streams, the buffer shall be at least 50 feet. This buffer width is independent of any wetland offset requirements of the USACE.
- For wetland areas not associated with perennial, intermittent streams, or floodway, the buffer shall be the extent of the wetland area plus an additional 50 feet perpendicular beyond the wetland edge.

### Stream Buffers During Construction

Considered on a case-by-case basis only, and where there is a hardship to provide the 50-foot buffer due to site constraints, isolated areas may be averaged to a minimum of 30 feet, provided that the engineer demonstrates how the area affected by the reduced buffer is protected with additional BMPs.



### **Stream Buffer Management and Maintenance**

The function of the stream buffer is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from all development. The objective of a stream buffer is undisturbed native vegetation.

Management of the stream buffer includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within stream buffers, except with prior approval by the Department of Public Works, as stated in [Section 26-187\(c\)-\(2\)5.11\(a\)\(3\)c](#) of the Richland County Land Development Code:

- Clearing or grubbing of existing vegetation;
- Clear cutting of vegetation;
- Soil disturbance by grading, stripping, or other practices;
- Filling or dumping;
- Use, storage, or application of pesticides, herbicides, and fertilizers;
- Conversion of vegetation from native to exotic species; and
- Motor vehicles are not permitted in stream buffers unless during the installation of certain utilities permitted in the buffer zone.

The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the Department of Public Works, and when specific design or maintenance features are adhered to:

- Transportation rights-of-way, pedestrian crossings, public access, boat ramps, docks, fishing platforms, unpaved paths (i.e., trails and greenways), and stream bank stabilization efforts.
- Utilities are allowed and shall be installed a minimum distance of 25 feet measured perpendicular from the jurisdictional line within the buffer area.

The following requirements are applicable for stream crossings for utilities:

- An applicant shall demonstrate that stream crossings are minimized;
- The right of way should be the minimum width needed to allow for maintenance access and installation;
- The angle of a crossing shall be as nearly perpendicular to the stream or buffer as practical in order to minimize clearing requirements; and
- The minimum number of crossings should be used within each development, and no more than one crossing is allowed for every 1,000 linear feet of buffer zone unless the applicant demonstrates to the Department of Public Works the need for additional crossings. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.

In order to maintain the functional value of the stream buffer, indigenous vegetation may be removed as follows:

- Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or



other structures may be removed with approval from the ~~Department of Public Works~~County Engineer or their designee;

- Debris in the buffer area that is caused by storm damage may be removed; and
- Invasive plant species may be removed if they are replaced by native species that are equally effective in retarding runoff, preventing erosion and filtering non-point source pollution from runoff. A buffer restoration plan for removal of invasive species must be approved by the ~~County Engineer or their designee~~Department of Public Works.

### Shoreline Buffers

Shoreline buffers shall be considered an area of managed vegetation adjacent to shorelines with hydrologic connectivity (stream leading into/out of the pond/lake or obvious spring input). The shoreline buffer width shall be 50 feet perpendicular from the jurisdictional line. For ponds and lakes, the buffer shall be a minimum of 50 feet from the jurisdictional line.

For Lake Murray, the buffer shall be measured from the 360-foot elevation or current jurisdictional line as determined by USACE.

### Shoreline Buffer Management and Maintenance

The function of the shoreline buffer is to protect the physical and ecological integrity of the water body by providing a functional distance to reduce flooding potential, reduce erosion and sedimentation, and filter runoff between development and the water body.

Management of the shoreline buffer includes specific limitations on alteration of the natural conditions. The following structures, practices and activities are restricted in the shoreline buffer unless prior approval is granted by the ~~County Engineer or their designee~~Department of Public Works, as stated in ~~Section 26-187(d)-(2)~~5.11(a)(4)c of the Richland County Land Development Code:

- Septic systems;
- Permanent structures;
- Impervious cover, with the exception of paths;
- Soil disturbance by grading, stripping or other practice;
- Filling or dumping;
- Stormwater management facilities; and
- Use, application, or storage of pesticides or herbicides except for the spot spraying of noxious weeds or other nonnative species consistent with approved agency recommendations. Approved agencies include Richland County, South Carolina Forestry Commission, and Dominion Energy (formerly South Carolina Electric & Gas) Department of Lake Management.

The following structures, practices, or activities are permitted in the shoreline buffer, subject to the prior approval of the Department of Public Works, as stated in ~~Section 26-187(d)-(2)~~5.11(a)(4)c3 of the Richland County Land Development Code:

- Biking or hiking paths;
- Recreational uses as approved by the ~~County Engineer or their designee~~Department of Public



Works; and

- Limited tree or underbrush clearing with approval from the County Engineer or their designee ~~Department of Public Works~~.

## Water Quality Buffer Requirements

### Water Quality Buffer Width Adjustment Requirements

Adjustments to the buffer width shall be made for the following conditions, as stated in ~~Section 26-187 (g)~~ 5.11(a)(7) of the Richland County Land Development Code:

1. If streams are on a current 303d list or with an approved TMDL, the buffer area shall be increased to 100 feet.
2. If water bodies are on DHEC's Outstanding National Resource Waters (ONRW) list, the buffer area shall be increased to 100 feet.
3. If there are 15 percent to 24 percent slopes within the required buffer area, the buffer width must be adjusted to include an additional 10 feet.
4. If there are 25 percent or greater slopes within the required buffer area width, the buffer width must be adjusted to include an additional 25 feet.
5. If the adjacent land use involves drain fields from on-site sewage disposal and treatment systems (i.e., septic systems), subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste, the buffer area width must be adjusted to include an additional 25 feet.
6. If the land use or activity involves the storage of hazardous substances or petroleum facilities, the buffer area width must be adjusted to include an additional 50 feet.
7. If the land use or activity involves raised septic systems or animal feedlot operations, the buffer area width must be adjusted to include an additional 100 feet.
8. If the land use or activity involves solid waste landfills or junkyards, the buffer area width must be adjusted to include an additional 200 feet. ~~However, see also Section 26-187 (g)(10) of the Richland County Land Development Code below.~~
9. If all on-site stormwater runoff is captured and routed through a permanent water quality basin, and there is no sheet flow discharging into the buffer, the buffer area may be reduced to 25-30 feet. This is intended to apply in limited situations, such as small commercial developments.
10. If the applicant satisfactorily demonstrates that there will be no degradation of the receiving water body by implementing the proposed stormwater quality controls, then the established buffer may be reduced on a case by case basis upon approval by the County Engineer or their designee ~~Department of Public Works~~.

### Water Quality Buffer Averaging Option

This subsection outlines the criteria for buffer averaging on new and redevelopment sites. Buffer averaging can be utilized to adjust the required buffer width, allowing some flexibility for site development. Using buffer averaging, the width of the buffer can be varied with the criteria stated below, as long as a minimum average width of 50 feet from the jurisdictional line are maintained.



1. The following criteria must be met in order to utilize buffer averaging on a development site, as stated in ~~Section 26-187(h)~~ (5.11(a)(8)) of the Richland County Land Development Code:
  - a) An overall average buffer width of 50 feet, depending on the water quality buffer requirement, must be achieved within the boundaries of the property to be developed.
  - b) The average width must be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
  - c) Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream but must be applied to both sides of the stream independently.
  - d) That portion of buffers in excess of 100 feet will not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer shall not be less than 30 feet, or the width of the floodway at any location, except at approved stream crossings.
  - e) Those areas of the buffer having a minimum width of 30 feet (or less at approved stream crossings) can comprise no more than 50 percent of the buffer length.
  - f) When using this option, a buffer plan showing the 50' buffer and the associated area noted on the plan, needs to be clearly marked. Also, the area with the buffer adjustments needs to be clearly shown and the area for the adjusted buffer noted. The area for the adjusted buffer needs to be the same or greater than the required 50' buffer. See exhibit in Appendix K ~~Appendix L~~.
2. Buffer width averaging is prohibited in developments that have, or will have after development, the land-uses listed below, as stated in ~~Section 26-187(h)(2)~~ 5.119(a)(8)c of the Richland County Land Development Code:
  - a) Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;
  - b) Landfills (demolition landfills, permitted landfills, closed-in-place landfills);
  - c) Junkyards;
  - d) Commercial or industrial facilities that store and/or service motor vehicles;
  - e) Commercial greenhouses or landscape supply facilities;
  - f) Developments or facilities that have commercial or public pools;
  - g) Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals;
  - h) Other land uses deemed by the County Engineer or their designee ~~Department of Public Works~~ to have the potential to generate higher than normal pollutant loadings.

#### **Water Quality Buffer Plan and Plat Requirements**

As stated in ~~Section 26-187(e)~~ 5.11(a)(5) of the Richland County Land Development Code, all preliminary, bonded and final plats prepared for recording and all right-of-way-plats shall clearly:

1. Show the extent of any stream or shoreline buffer on the subject property by metes and bounds;





2. Label the stream and shoreline buffer;
3. Provide a note to reference all buffers stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Department of Public Works";
4. Provide a note to reference any protective covenants governing all buffer areas stating: "Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas";
5. If the buffer area will not be part of an individual lot, then ownership must be stated by identifying who is the responsible party; and
6. Provide the location of permanent boundary marker signs.

### Water Quality Buffer Design Requirements

As stated in ~~Section 26-5.11(a)(6)~~~~26-187(f)~~ of the Richland County Land Development Code, the design requirements for water quality buffers are as follows:

1. The buffer plan must be submitted in conjunction with the sediment and erosion control plan, SWPPP document, and all applicable calculations for a land disturbance permit.
2. It is a requirement that the buffer be marked off with a warning barrier (orange safety fence) to show that no disturbance is allowed in the buffer area.
3. The following steps shall be taken during the site plan development and site construction process to protect water quality buffers during construction, as stated in ~~Section 26-5.11(a)(6)~~~~26-187(f)(3)~~ of the Richland County Land Development Code:
  - a) Water quality buffers must be clearly identified on all stormwater management plans and construction drawings and marked with the statement "Water Quality Buffer. Do Not Disturb."
  - b) Water quality buffers cannot be encroached upon or disturbed during project construction unless in accordance with ~~Section 26-187(b)~~~~5.11(a)(2)c~~ or ~~Section 26-5.11(a)(2)d~~~~187(k)~~ of the Richland County Land Development Code, or unless they are being established, restored, or enhanced in accordance with an approved Buffer Enhancement Plan.
  - c) Water quality buffers must be clearly marked with a warning barrier before the preconstruction conference. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
  - d) All areas of the water quality buffer, including stream banks, must be left in the existing condition upon completion of construction activities. Should construction activities associated with development cause degradation to stream banks, all eroding, bare or unstable stream banks shall be restored to existing conditions.
  - e) If any trees are allowed to be removed, the tree location shall be shown, and a note shall be provided stating that the tree must be hand cleared.
  - f) The locations of all signage must be clearly shown on plans.
  - g) A narrative stating the extent of the buffer areas, including any allowed disturbance in the



buffer areas (this should be in the narrative as well as in the SWPPP document), must be included with the plans.

- h) A double row of silt fence (with metal posts and wire backing) shall be shown on the upstream side of applicable buffer area(s) that are adjacent to a land disturbance.
- i) The stream buffer shall be shown and labeled on the engineering plans, preliminary, bonded and final plat.
- j) If the stream buffers are dedicated to Richland County, placed in a conservation easement, or turned over to a Homeowners Association (HOA), the buffers shall be maintained in accordance with the maintenance and inspection requirements for permanent stormwater management structures.
  - 1. If the buffer is dedicated to viable third party:
    - a) All property lines shall terminate at the water quality buffer.
    - b) Access easements shall be a minimum of 20 feet wide to allow maintenance of the buffer.
    - c) Access points for these easements will be coordinated with storm drainage easements during the plan review process.
  - 2. If placed in a conservation easement or if the easement is held by a viable third party, such as a land trust, land management company, or utility, the organization shall:
    - a) Have the legal authority to accept and maintain such easements;
    - b) Be bona fide and in perpetual existence; and
    - c) Have conveyance instruments that contain an appropriate provision for retransfer in the event the organization becomes unable to carry-out functions.
  - 3. If given to an HOA, the following criteria must be met:
    - a) Membership in the HOA is mandatory and automatic for all homeowners for the subdivision and their successors;
    - b) The HOA shall have lien authority to ensure the collection of dues from all members; and
    - c) The HOA assumes the responsibility for protecting, monitoring and maintaining the area as an undisturbed natural area, in perpetuity.
  - 4. Shoreline buffers shall be shown and labeled on the engineering plans. Shoreline buffers shall be maintained by the owner in accordance with the maintenance and inspection requirements for permanent stormwater management structures outlined in this chapter. Shoreline buffers may be placed in a conservation easement or deeded to the HOA.

#### **Water Quality Buffer Signage**

Permanent boundary marker signs are required for stream buffers prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer. Permanent boundary markers are recommended, but not required, in shoreline buffers. The County Engineer or their designee ~~Department of Public Works~~ has the authority to require the person or entity responsible for permanent maintenance of the buffer to replace boundary markers that have been removed or destroyed. The following general requirements shall apply to buffer boundary markers, as stated in



**Section 26-187(i)5.11(a)(9)** of the Richland County Land Development Code:

1. Generally, buffer boundary markers shall be located on the landward edge of the buffer, and at other locations which will approximately delineate the buffer boundary. For commercial developments, markers shall be posted every 100 feet along the buffer boundary. For subdivisions where multiple lots are located along the buffer, it is recommended that a buffer boundary marker be located at the intersection of every other lot line with the landward edge of the buffer.
2. Buffer boundary markers shall include the statement "Water Quality Buffer – Do Not Disturb".
3. Where possible, the markers should be mounted to a tree larger than three (3) inches in diameter. Where it is not possible to mount the marker to a tree, a treated wood or metal signpost must be used. The post must extend below the ground surface at least 24 inches.
4. The boundary markers must be mounted between four (4) and six (6) feet above the ground surface.
5. The boundary markers must be at least 12 by 18 inches.

#### **Water Quality Buffer Restoration and Enhancement Plans**

Buffer restoration is required when a buffer is disturbed without prior approval from the County Engineer or their designee ~~Department of Public Works~~. A developer or property owner may also wish to enhance a buffer to bring it closer to an optimal, undisturbed native forest condition. Prior to reestablishing or planting the buffer, a restoration and/or enhancement plan must be submitted to and approved by the County Engineer or their designee ~~Department of Public Works~~. Buffer restoration and/or enhancement plans must include the following, as stated in **Section 26-187(i)5.11(a)(10)** of the Richland County Land Development Code:

1. A drawing or plan that shows the location of the buffer in relation to the existing or planned development and to the buffered waterway; the disturbance limits for the planned buffer restoration; direction of flow of runoff from the site and flow within the water feature; erosion prevention and sediment control measures to be installed to protect the waterway; any existing or proposed stream crossings; existing or proposed stream bank stabilization measures; access to a water source for the purposes of watering vegetation; and other pertinent information. For large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect.
2. A visual plan and a narrative that describes the vegetation plan for the buffer; stream buffers must be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species, as listed in Appendix J: Landscape Plant Materials List ~~Appendix K: Landscape Plant Materials List~~. Species of plants other than those listed on the pre-approved list shall be approved by the County Engineer or their designee ~~Department of Public Works~~ prior to planting.
3. The schedule for when plantings will occur and a two-year survival guarantee provided by the responsible party.

#### **Water Quality Buffer Waiver Option**

No waiver shall be granted to alter a buffer unless the County Engineer or their designee ~~Department of~~



~~Community Planning & Development~~ (or the Planning Commission, in the event of an appeal) determines that a hardship exists, and relief meets the general purpose and intent of this section. Within Water Quality Protection Areas, no waiver shall be granted unless the applicant demonstrates that alternative protection measures can be provided that exceed the protection afforded by the established buffer. Further information on Water Quality Buffer Waivers can be found in Section 26-2.5(q).

In granting a request for a waiver, the ~~County Engineer or their designee~~~~Department of Community Planning & Development or Planning Commission~~ may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

Waiver requests shall only be considered if a request meets any of the criteria listed below, as stated in ~~Section 26-187(k)(3)~~2.5(q)(4) of the Richland County Land Development Code:

- The project involves construction of one (1) single-family home for residential use by the owner of the property and the property has an unusual shape or topography and there is no opportunity to develop under any reasonable design configuration.
- The project involves the construction or repair of a structure which, by its nature, must be located within the buffer (e.g., dams, public water supply intakes, wastewater discharges, docks, boat launches, stabilization areas of public access to water).
- Buffer intrusion is necessary to provide access to the property.
- The project will:
  - a. Require a Wetland Permit from USACE for impacts to jurisdictional wetlands; and
  - b. The USACE has approved a mitigation plan; and
  - c. Implementation of the plan is a 404 permit condition.

#### **Buffer Waiver Submittal Requirements**

The applicant shall submit a written request for a waiver to the ~~County Engineer or their designee~~~~Department of Community Planning & Development (Engineering Services)~~. The request shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The ~~County Engineer or their designee~~~~Department of Community Planning & Development~~ may require an alternative analysis that clearly demonstrates that no other feasible alternative exists, and that minimal impact will occur as a result of the project or development.

The ~~County Engineer or their designee~~~~Department of Community Planning & Development~~ shall make a determination and decision concerning the waiver request. An appeal may be made to the Planning Commission. An appeal of the ~~Department of Community Planning & Development's~~County Engineer's decision shall be filed in writing within 30 days after the final decision. The Planning Commission shall make all final determinations and decisions.



## Chapter 5: Floodplain Management

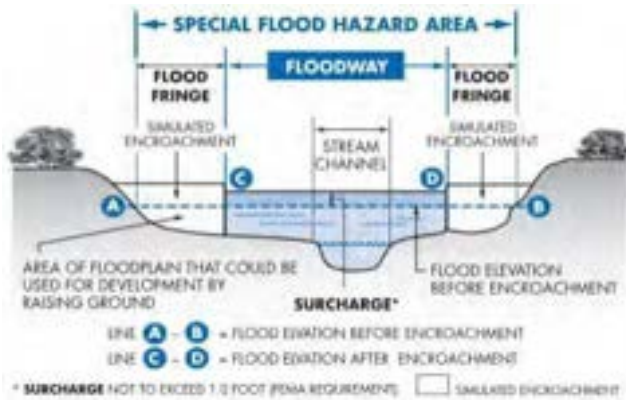
The National Flood Insurance Program (NFIP) provides federally backed flood insurance within Richland County. To qualify for the NFIP, the County has adopted and enforces a Floodplain Management Ordinance to regulate development in flood hazard areas, protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize the potential for flood damage to future development. Under the NFIP, Richland County is required to regulate all land development activities within the identified Special Flood Hazard Area (SFHA), which are subject to a one (1) percent annual chance of flooding, formerly called the 100-year floodplain.

Development is defined by the Federal Emergency Management Agency (FEMA) as any manmade change to improved or unimproved property including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. Development and/or land uses permitted within the SFHA of Richland County shall be in accordance with [Section 26-3.8\(d\)106](#) of the Richland County Land Development Code – FP Floodplain Overlay District. The Richland County Floodplain Manager may also refer to the State of South Carolina and FEMA publications, policies, and guidelines to assist in the implementation of these regulations.

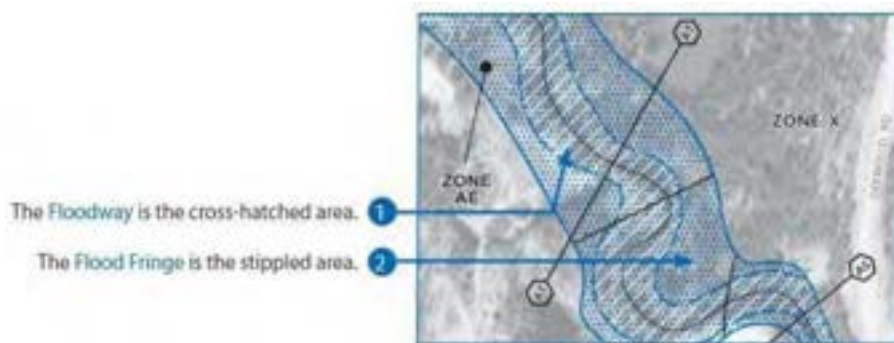
### Overview of Floodplains

The SFHA is comprised of the floodway and flood fringe. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge without increasing flood depths. [Figure 4](#) and [Figure 5](#) on the following page present the special flood hazard area in a cross-sectional view and on a sample Flood Insurance Rate Map. The "South Carolina Quick Guide for Riverine Floodplains, Development, and Maps" is a recommended source for basic information on watersheds and riverine floodplains. The Guide also provides an overview of the methods used to develop and maintain flood maps. The Guide is available for download from the South Carolina Department of Natural Resources website.

The SFHA for Richland County is identified by FEMA in a scientific and engineering report entitled "Flood Insurance Study for Richland County, South Carolina, and Incorporated Areas" with an accompanying Flood Insurance Rate Map (FIRM). The current Flood Insurance Study and the effective FIRM are available at FEMA's website, on the County's website, or at the Floodplain Manager's office at 2020 Hampton Street, 1st Floor, Columbia, SC 29204.



**Figure 4: Cross Section of the Special Flood Hazard Area**  
(Source: SCDNR)



**Figure 5: Plan View of the Special Flood Hazard Area**  
(Source: SCDNR)

### Floodplain Development

Before construction or development begins within the SFHA, a building permit shall be attained by first submitting the application forms furnished by the Department of Community Planning & Development or through the County's electronic permitting system. If the application or the construction documents indicate construction or development within the SFHA, the applicant shall be referred to the Richland County Floodplain Manager within Community Planning & Development for further consultation.

The Richland County Floodplain Manager will inform the applicant of the floodplain regulations and provide guidance on residential and commercial construction within the SFHA. The Richland County Floodplain Manager will require scaled plans which shall include, but are not limited to: the nature, location, dimensions, and elevations of the project area; existing and proposed structures; and the



location of fill and compensatory areas. Specifically, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency. The plot plan must be prepared by or under the direct supervision of a South Carolina licensed registered land surveyor or professional engineer and certified by such professional. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency (FEMA).
2. When base flood elevation data is available, plan submittal for a development permit within the flood hazard area shall show:
  - The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
  - If the structure will be flood-proofed in accordance with the Non-Residential Construction requirements, must include the elevation to which the structure will be flood-proofed.
3. When base flood elevation data is not available, the provisions in the standards for streams without estimated base flood elevations and floodways must be met (~~Section 26-106(e)~~Section 26-3.8(d)(6) of the Richland County Land Development Code).

The information submitted for the permit shall be certified by a South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify the required information and plans.

The Richland County Floodplain Manager shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors:

- The danger to life and property due to flooding or erosion damage;
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- The danger that material may be swept onto other lands to the injury of others;
- The compatibility of the proposed use with existing and anticipated development;
- The safety of access to the property in times of flood for ordinary and emergency vehicles;
- The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems; and
- The relationship of the proposed use to any comprehensive planning document for that area.

A floodplain development permit is required in conformance with the provisions of the Richland County Land Development Code (particularly ~~Section 26-106.5(k)~~Section 26-3.8(d)(6)) prior to the commencement of any development activities in the FP Floodplain Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.



## Chapter 6: Street Drainage and Easements

### Storm Sewer Design Criteria

1. Pipes that are part of a storm sewer system consisting of catch basins, junction boxes and connecting pipes are to be sized for a discharge at full pipe flow.
2. The minimum allowable velocity to reduce sedimentation in the storm sewer system is two (2) feet per second.
3. Avoid junctions that create excessive energy loss.
4. Minimum slopes for storm drainage pipes that will be conveyed to Richland County in a dedicated easement is 0.5 percent.
5. Maximum slope is 12 percent. Greater slopes may be approved by the County Engineer upon submittal of appropriate detailed structural designs and other supporting documentation.
6. Richland County will accept commonly used computers models or methodologies capability of analyzing the hydraulic capacity of proposed storm drain pipelines and systems.

### Pipe Systems

The following are specific requirements applicable to storm sewer system pipes.

#### Pressure Flow

Storm drainage systems may be designed to flow under pressure flow. In these instances, the hydraulic grade line is to be calculated and plotted on the storm drain profiles and submitted with the drainage plans and calculations. [For the applicable design storm based on watershed size, see Table 3.](#) In these cases, the pipes are to be sized such that the hydraulic grade line remains a minimum of one (1) foot below the ground surface at all inlets and junction boxes.

#### Discharge Velocity

Appropriate velocity dissipation devices and/or erosion prevention BMPs must be placed at pipe discharge locations and along the length of any outfall channel to provide non-erosive flow from the culvert to a water course so that the natural physical and biological characteristics and functions are maintained and protected. Outlet protection measures, such as reinforced vegetation or riprap, may be required to minimize erosion and scour potential. Provide calculations or procedures utilized to select the proper outlet protection and protection dimensions.

#### Materials

Reinforced concrete pipe, HDPE, and Polypropylene pipe respectively are acceptable.





#### Minimum Pipe Size and Easement Width

The minimum acceptable storm sewer pipe diameter is 15 inches. **Table 19** lists the minimum easement width required based on pipe size.

**Table 18: Minimum Required Easement Widths**

Pipe Size (in.)	Easement (ft.)
15" – 30"	15'
36" – 54"	20'
54" +	30'

*\*minimum widths assume sufficient access is available for maintenance once build out is complete. This will be determined by the County Engineer's Office.*

#### Easements proposed for public dedication

When proposing the County accept off the right-of-way drainage, consideration should be given to the accessibility of future maintenance. The placement of any structure that impedes access shall void the acceptance of the easement. All easements must be completely unimpeded, including but not limited to fences, trees, retaining walls, and utility infrastructure or equipment not related to the drainage infrastructure.

Developers are allowed to use minimum criteria but should not assume this equates to acceptance into the publicly maintained system. If the County deems the easement provides no public service but instead a private service, such as drainage of the rear yard of a lot, the ownership of maintenance will fall to the private property owner or HOA if in a common area. In this situation, the County would assume maintenance once the drainage structure enters the County maintained road right-of-way. Public easements must access an improved public right-of-way.

No easement may have a cross slope greater than 5% or a vertical slope greater than 12%.

#### Catch Basins, Junction Boxes and Manholes

A catch basin, junction box, or manhole shall be required at all changes of grade, size, or direction of a pipe and at junctions of two (2) or more pipes. They may be constructed of reinforced concrete or concrete brick masonry. Precast concrete junction boxes, either round or rectangular, are also acceptable. Cast-in-place or precast concrete junction boxes are required for pipe sizes larger than 36 inches in diameter. Shop drawings must be provided for all precast concrete junction boxes.

Construction plans must be provided for all cast-in-place junction boxes. Access points for vacuum trucks are required for systems intended for County ownership and recommended for private stormwater systems.



#### Prefabricated Bends

Prefabricated reinforced concrete or corrugated metal pipe bends are acceptable when the pipe size remains constant. The design of the bend should provide for the addition of a catch basin or manhole for surface access. Shop plans must be provided for all such installations.

#### Invert Elevations

Invert elevations for incoming and outgoing pipes shall be set such that the elevation drop across a junction box, manhole or catch basin equals or exceeds the energy loss across it or the change in pipe diameter, whichever is larger.

#### Catch Basins Placement

Catch basins are to be placed at close enough intervals along a street so that the curb and gutter are not overtopped during the 10-year rainfall event. A sufficient number of catch basins should be provided so that the peak discharge delivered to each one does not exceed its calculated inlet capacity for this condition.

#### Standard Catch Basins

Where Richland County is to accept maintenance responsibility for the streets and drainage system, Richland County standard catch basins are to be used. ~~Standard details for catch basin types A, B, and C may be obtained from the County Engineer's office.~~ Table 20 shows calculated inlet capacities for these catch basins, when located in a sump.

**Table 19: Inlet Capacity for Richland County Standard Catch Basins**

Catch Basin Type	Inlet Capacity (cfs)
A	12.1
B	10.6
C	9.4

#### Access

When the depth of a catch basin, junction box, or manhole exceeds four (4) feet, metal rungs or a suitable alternative will be provided for safe ascent and descent.

#### Headwalls

Reinforced concrete headwalls, similar or identical to one of Richland County's standard headwalls or a "flared end section" shall be placed at the ends of any culvert or closed storm sewer system. Precast or cast-in-place concrete headwalls are acceptable. ~~Richland County's standard headwall details may be obtained from the County Engineer's office.~~



### **Open Channels**

Open channels may be used instead of closed storm sewers when the channel is designed as part of the stormwater water quality management plan. The County Engineer, for environmental or aesthetic purposes, may require the use of vegetated open channels for stormwater conveyance and water quality on a case-by-case basis.

### **Design Considerations**

The following factors should be considered in the design of vegetated open channels:

- Hydraulic capacity,
- Erosion potential,
- Future maintenance requirements,
- Safety,
- Aesthetics,
- Minimum slope is one (1) percent or minimum velocity of 2.5 ft/sec on slopes,
- Side slopes for vegetated open channels in residential areas should be no greater than 3H:1V for stability, safety, and ease of maintenance, and in no case will open channel side slopes steeper than 2H:1V be approved.

In the interest of preserving existing vegetation (helps to stabilize banks) and to preserve the aesthetics of natural channels, not all open channels have to be altered to protect them from erosion. However, existing channels which are an integral part of the development and storm drainage system should be evaluated for the need for additional erosion protection. In addition, those existing channels which will be subject to peak flow increases of 100 percent or more as the result of complete build-out of the contributing watershed and those existing channels with sharp bends should also be evaluated for the need for additional erosion protection.

### **Capacity**

Open channels shall be designed to contain the design discharge within the banks with 0.5 feet of freeboard. Richland County will accept the use of the Manning's Equation or other commonly accepted computer models for open channel design. The designer shall select the proper Manning's roughness coefficient based on channel type and permanent channel lining.

Analyze outlet conditions to confirm that the channel can discharge the peak design flow at the computed normal depth. For conditions in which the capacity of the channel to discharge the design flow is governed by conditions on the outlet (high tailwater condition) or the channel is traversed by one or more stream crossings, either bridge or culvert, then analysis of these conditions using acceptable computer models (HEC-RAS) must demonstrate that the channel can contain the design discharge within the channel banks.

### **Erosion Protection**



The allowable velocities and shear forces for non-vegetated (erodible) open channels are relatively small and the design typically requires wide, shallow channels to carry the design flow rates. In all situations, permanent open channel banks and bottom must be stabilized with vegetation or other applicable erosion prevention measures, bare soil open channels will not be accepted.

Whenever existing channel modification are made, bank protection shall be designed and constructed to control erosion for the anticipated velocity and shear stress resulting from a 50-year, 24-hour rainfall.

#### **Vegetated Channels**

The design of stabilized open channels must address both peak flow velocity and peak shear stress and may be done by using computer software that is capable of designing open channels for stability and capacity.

Vegetation or other erosion prevention measures protect the channel from the erosive action of design flows and binds the channel material together. Vegetated channels can be used to carry stormwater runoff but are generally not recommended to carry sustained base flows because most vegetation cannot survive continual submergence or saturation of the root zone.

The design of vegetated channels is more complex than a basic earth lined, or structurally lined channel. The additional design consideration for vegetated channels involves a variation in roughness (Manning's  $n$ ) with the height and type of vegetation. Generally, a tall grass provides much resistance when flow in the channel is shallow. As the flow depth increases, the resistance of some vegetation may decrease. In many cases, the vegetation will lay over in the direction of the flow when the flow reaches a sufficient depth. When vegetation lies over, the resistance produced by the vegetation is considerably less than it is during shallow flow conditions. The design of vegetated channels shall be performed for the following two (2) design conditions:

- **Stability/Permissible Velocity:** This design process involves evaluating how the channel will respond under low vegetation retardance conditions. This condition is defined when vegetation is cut low or lies down, producing a lower Manning's  $n$  value, lower flow depths, and higher flow velocities. The limiting factor for stability design is the permissible velocity of the flow in the vegetated channel.
- **Capacity:** This design process involves evaluating how the channel will respond under high vegetation retardance conditions. This condition is defined when vegetation is not maintained or is very long and rigid, producing a higher Manning's  $n$  value, higher flow depths, and lower flow velocities. The limiting factor for capacity design is the cross-sectional area of the vegetated channel.

The design of stabilized open channels must address both peak flow velocity and peak shear stress and may be done by using computer software that is capable of designing open channels for stability and



capacity.

Vegetation only channel bottom and bank protection measures are limited to:

- Channel bottom must be established by sodding,
- Channel banks established with double netted temporary erosion control blanket,
- Maximum flow velocities of five (5) feet per second,
- Maximum shear stress of one (1) pound per square foot, and
- Maximum channel slope of five (5) percent.

#### **Erosion Protection Measures**

The designer shall provide all calculations and procedures utilized to select the proper protection and protection dimensions. Acceptable bank and channel protective measures include but are not limited to:

- Vegetation only,
  - Maximum velocity of 5 feet per second
  - Maximum shear stress of 1 pound per square foot
- Vegetated permanent Turf Reinforcement Matting (TRM),
  - See Table 12 for vegetated permanent TRM requirements
- Geogrid or similar structural erosion control measures,
- Transition Mats or Flexible Revetment Systems,
- Bio-engineered or other stream stabilization measures,
- Riprap,
- Articulated concrete block (ACB),
- Articulated concrete block (ACB) mats,
- Reinforced concrete or concrete cloth, and
- Other protective measures acceptable to County Engineer.

Whenever existing channel modification are made, bank protection shall be designed and constructed to control erosion for the anticipated velocity and shear stress resulting from a 50-year, 24-hour rainfall.

#### **Discharge Velocity**

Appropriate velocity dissipation devices and/or erosion prevention BMPs must be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. Outlet protection measures, such as reinforced vegetation or riprap, may be required to minimize erosion and scour potential. Provide calculations or procedures utilized to select the proper outlet protection and protection dimensions.



## Culverts

A culvert is a relatively short conduit conveying stormwater through an embankment. Its capacity depends on, among other things, the depth to which headwater is allowed to pond at its inlet. The headwater depth will be different depending on whether the culvert is functioning under "inlet control" or "outlet control" conditions. In designing the culvert, both conditions must be investigated.

### Culvert Requirements

The following are specific requirements applicable to culverts.

#### **Analysis of Inlet and Outlet Control Conditions**

Inlet control occurs when the capacity of the culvert barrel exceeds the capacity of the entrance. Under this condition, the culvert flows only part full. The configuration and size of the inlet and the headwater elevation determine its capacity.

Outlet control occurs when the capacity of the culvert entrance exceeds the capacity of the barrel. Under this condition, the culvert flows full. The capacity is dependent on the tailwater depth, the slope, length, roughness and size of the barrel, the inlet configuration and the hydraulic head available.

A thorough assessment of culvert hydraulics is presented in FHWA Hydraulic Design Series No. 5 (HDS-5), Hydraulic Design of Highway Culverts (1985). HDS-5 includes nomographs for analysis of culvert hydraulics under inlet control and outlet control and culvert barrel capacity, which are incorporated in the Richland County design standards. Use of the FHWA culvert analysis program HY-8, or other computer model based on FHWA procedures, is acceptable.

#### **Design Requirements**

The headwater required to convey the design discharge must be determined under both inlet and outlet control conditions. The control requiring the highest headwater governs. The culvert should be designed such that:

- The headwater at the design discharge does not exceed an elevation one (1) foot below the top of curb or edge of road shoulder at the lowest point.
- The headwater depth at the design discharge does not exceed the culvert diameter by a factor greater than two (2) or by four (4) feet, whichever is smaller.
- The headwater depth at the design discharge does not cause water to rise above the top of approach channels or beyond established flooding easements.
- The headwater at the 100-year discharge does not exceed an elevation two (2) feet below the elevation of adjacent building sites.
- Minimum allowable velocity to reduce sedimentation in the storm sewer system is two (2) feet per second.
- Minimum slope is 0.5 percent.



- Maximum slope is 12 percent. Greater slopes may be approved by the County Engineer upon submittal of appropriate detailed structural designs and other supporting documentation.

#### **Discharge Velocity**

Appropriate velocity dissipation devices and/or erosion prevention BMPs must be placed at culvert discharge locations and along the length of any outfall channel to provide non-erosive flow from the culvert to a water course so that the natural physical and biological characteristics and functions are maintained and protected. Outlet protection measures, such as riprap, may be required to minimize erosion and scour potential. Provide calculations or procedures utilized to select the proper outlet protection and protection dimensions.

#### **Plans and Calculations**

Culvert drainage calculations shall include headwater calculations for both the design storm and the 100-year storm. These depths shall be plotted on profiles and the corresponding floodplains delineated on the topographic map of the project.

#### **Culvert Materials**

Culverts and closed storm drainage systems may be constructed using any of the materials listed in this section. In selecting the culvert material, consider structural requirements and corrosion potential at the site as well as hydraulic requirements. Design culverts to support a minimum of an AASHTO HL-93 live load together with the appropriate dead load. Heavier live loads may be required if conditions dictate. Bury depths greater than 15 feet shall have written approval by the County Engineer or County appointed designee. Minimum life expectancy for all culvert materials is 75 years.

All excavations and trenches shall be clean, dry and free of debris before placing pipe. Minimum compaction shall be 90 percent SPD for all pipes and structures, unless higher compaction levels are required by the design engineer. Verification of compaction throughout the pipe's backfill zone trench shall be provided by a registered geotechnical engineer. Open graded backfill such as washed stone, shall be wrapped with a minimum eight-ounce non-woven geotextile to prevent migration of fines into the backfill. Fabric design shall be verified by a registered geotechnical engineer. A 24-hour notice is required prior to installation.

#### **Reinforced Concrete Pipe (RCP)**

RCP pipe culverts and storm drainage systems are acceptable and shall meet ASTM C76 and be Class III or greater. Joints shall meet ASTM C443 or ASTM C1628 and use gaskets that meet ASTM F477. Nitrile gaskets are allowed if required by onsite conditions, per the project design engineer's recommendation. Mastic style joints shall not be used. The pipe shall be installed following an ASTM C1479 Type 2 installation in the right-of-way and a Type 3 installation outside the right-of-way. Fill heights shall comply with Manufacturer's published standards. Fill heights requiring a special design shall be signed and sealed by a licensed professional engineer in the State of South Carolina. Joints shall be capable of passing an ASTM C969 test when required by project engineer. Pipes provided to



the County shall comply with the Q-cast or NPCA quality certification program. Pipe velocity shall not exceed 10 feet per second unless approved by the County Engineer.

#### **Concrete Box Culverts**

Cast in place or precast concrete box culverts are acceptable. Project plans should include structural details for cast in place concrete, or shop plans for precast that have been signed and sealed by a licensed professional engineer in the State of South Carolina. Joints shall be capable of passing an equivalent ASTM C969 test when required by project engineer.

#### **Prefabricated Structures**

Prefabricated culvert structures such as CONSPAN® or similar structures are acceptable if designed and installed in accordance with the manufacturer's recommendations. Project plans should include structural details and shop plans that are signed and sealed by a licensed professional engineer in the State of South Carolina.

#### **High Density Polyethylene (HDPE) Pipe**

HDPE pipe culverts and storm drainage systems are acceptable when designed and constructed in accordance with the manufacturer's recommendation, and County Standards. HDPE pipe culverts and storm drainage systems shall meet AASTHO M294 (Type S) pipe. Joints shall comply with ASTM D3212 and have gaskets that meet ASTM F477. Nitrile gaskets are allowed if required by onsite conditions as verified by the engineer or record. The pipe shall be installed following an ASTM D2321 with minimum and maximum fill heights complying with manufacturers published fill height standards. Backfill shall be an ASTM D2321 Class II or better. Pipe velocity shall not exceed 15 feet per second unless approved by the County Engineer.

#### **Polypropylene (PP) Pipe**

PP pipe culverts and storm drainage systems are acceptable and shall meet ASTM F2881 or F2764. Joints shall comply with ASTM D3212 and have gaskets that meet ASTM F477. Nitrile gaskets are allowed if required by onsite conditions as verified by the engineer or record. The pipe shall be installed following an ASTM D2321 with minimum and maximum fill heights complying with manufacturers published fill height standards. Backfill shall be an ASTM D2321 Class III or better. Pipe velocity shall not exceed 15 feet per second unless approved by the County Engineer.

#### **Minimum Culvert Size**

The minimum acceptable pipe culvert diameter is 15 inches.

#### **End Treatments and Transitions**

Acceptable end treatments may consist of, but are not limited to, pipe end with riprap, concrete headwalls, concrete or metal flared end sections, DOT approved safety ends, and any other end treatment that is approved by the County Engineer or County appointed designee. HDPE flared end treatments are not allowed.





Transition from pipe of dissimilar materials shall requires a Dissimilar Materials Adapter incorporating a geotextile coupler with mastic coating and stainless-steel straps that is properly backfilled per general pipe installation instructions.

### **Post Installation Inspection**

All newly constructed pipe systems shall be visually inspected. Joints shall all be panned and inspected and any visible issues such as joint separation, cracking, holes in pipe, or excessive deflection shall be noted. At the County's discretion, where evidence of poorly installed or damaged pipe is found, 100 percent of the pipe system may be required to be inspected.



## Chapter 7: Roadway Design Requirements

Roadway designs must meet the South Carolina Asphalt Pavement Association (SCAPA) guidelines. All new roads and storm drainage, or improvements and upgrades, shall be installed or constructed by the developer at no cost to the county, except as may otherwise be specifically provided. The developer shall be responsible for obtaining all permits. Required improvements under this section shall not be installed or constructed until required site plans have been approved by the Department of Community Planning and Development; and an order to proceed has been issued.

Development may be designated to be constructed and/or platted in phases and the Department of Community Planning and Development may not approve a phasing plan when in its opinion such phasing will not provide for adequate roadway facilities to support any such phase(s) independent of the overall development plan. In approving phases, the Department of Community Planning and Development may require that additional roads be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase(s) independent of any future development.

### Road Classification

- Local Street
- Collector (Minor) *Commercial*
- Collector (Minor) *Residential*
- Collector (Major)
- Arterial (Minor)
- Arterial (Major)
- Industrial
- Rural Road
- Alleyway
- Loop Road
- Park Road

#### Local Street (Residential)

Provides direct access to lots and which does not provide connectivity to properties other than those served. Access streets shall be designed so no road section conveys an ADT greater than 250 within residential areas.

#### Minor Collector (Residential)

Provides direct access to lots and carries traffic of local streets. Designed to carry higher traffic than local streets with traffic limited to motorists having origin or destination within the immediate neighborhood or between adjoining neighborhoods. Sub-collectors shall be designed so that no road section conveys an ADT greater than 1,000 within residential areas. If proposed ADT exceeds this



threshold, then an increase in pavement traffic classification is required. Example: If pavement design is calculated to be a Traffic Class 2, but the ADT exceeds 1,000, then a Traffic Class 3 pavement would be required.

#### **Minor Collector (Commercial)**

Provides direct access to lots and carries traffic of adjoining access streets. This road is designed to carry large traffic volumes at low to moderate speeds. Designed with traffic limited to motorists having origin or destination within the immediate development. The road shall be designed so that they do not promote use as a shortcut by non-development traffic. Sub-collector shall be designed so that no road section conveys an ADT greater than 1,500 within commercial areas. If proposed ADT exceeds this threshold, then an increase in pavement traffic classification is required. Example: If pavement design is calculated to be a Traffic Class 2, but the ADT exceeds 1,500, then a Traffic Class 3 pavement would be required.

#### **Major Collector**

Conducts and distributes traffic between access/sub-collector and arterial streets. Carries large traffic volume at high speed. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of street shall be prohibited. Collectors shall be designed so that they do not promote use as a shortcut by non-neighborhood traffic. Collectors shall be designed so that no road section conveys an ADT greater than 2,000. If proposed ADT exceeds this threshold, then an increase in pavement traffic classification is required. Example: If pavement design is calculated to be a Traffic Class 2, but the ADT exceeds 2,000, then a Traffic Class 3 pavement would be required.

#### **Arterial-Minor**

Principal traffic artery within residential or commercial areas that carry relatively high traffic volumes and convey traffic from arterial streets access, sub-collector and collector streets. Its function is to promote the free flow of traffic; as such, no parking or residences shall be permitted along or have direct access to such roads. Minor arterial shall be designed and constructed according to most current SCDOT standards.

#### **Arterial-Major**

Principal traffic artery within residential or commercial areas that carry relatively high traffic volumes and convey traffic from arterial streets to collector streets. Its function is to promote the free flow of traffic; as such, no parking or residences shall be permitted along or have direct access to such roads. Minor arterial shall be designed and constructed according to most current SCDOT standards.

#### **Rural**

A road serving development in low density, primarily rural areas and which would not be classified as a collector or arterial road.

**Alleyway**

A private road primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another road, either public or private, and meets the minimum county requirements, as determined by the county engineer.

**Industrial**

A road for which the intended use is somewhat less than that of an arterial road and somewhat greater than that of a collector road. Such roads will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

**Loop Road**

A roadway that arches away from a road and re-intersects the same road at some distance away from the "first" intersection.

**Park Road**

A one-way road within a residential subdivision.

**Road Right-of-Way Widths**

The following sections are descriptions, either textual or graphical, of typical required road right-of-way widths for select categories of road types:

- Rural Road
- Local Street
- Collector (Major), Collector (Minor) Commercial and Industrial
- Collector (Minor) Residential

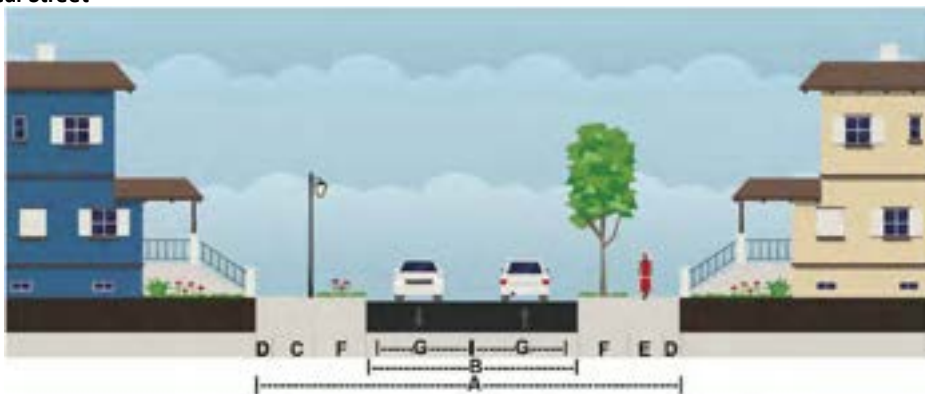
**Rural Road**

Rural roads shall have a travel lane width of 12 feet with a 6-foot shoulder on each side containing a ditch/swale for drainage. Driveway culvert pipes are required for access to each parcel/house.

[Lighting for rural roundabouts should be designed in accordance with US FHWA standards.](#)



## Local Street



Width	
A. Right of Way Width	54'-50'
B. Back-of-curb to back-of-curb	25'
Streetscape	
C. Utility placement easement (min)	5' (one side)
D. Maintenance strip (min)	2' (each side)
E. Sidewalk (min)	5' (one side)
F. Planting area	6'-5.5' (each side)
Travelway	
G. Travel lane	11'
General	
Walkway type	Sidewalk
Planting Type	Tree lawn
Tree Spacing	40' o.c. avg.
Parking Type	N/A
Mailboxes	N/A

Engineering Specifications	
Design Speed (mph)	25 mph
Design Vehicle	Passenger Vehicle
Driveway Spacing	As needed
Median Opening Distance	N/A
Cul-de-sac Island	N/A
Partial Medians/Island	No
Curb Radii	25'
Lighting	Required on all public streets for new development



# Collector (Major), Collector (Minor) Commercial and Industrial



Width	
A. Right of Way Width	68'
B. Back-of-curb to back-of-curb*	39'
Streetscape	
C. Utility placement easement (min)	5' (one side)
D. Maintenance strip (min)	3.5' (each side)
E. Sidewalk (min)	5' (one side)
F. Planting area (min)	6' (each side)
Travelway	
G. Travel lane**	12'
General	
Walkway type	Sidewalk
Planting Type	Tree lawn
Tree Spacing	40' o.c. avg.

Engineering Specifications	
Design Speed (mph)	40 mph
Design Vehicle	All Vehicles
Signalized Intersection Density	As warranted
Driveway Spacing	As needed
Median Opening Distance	N/A
Partial Medians/Island	No
Curb Radii	5-10'
Lighting	Required on all public streets for new development, pedestrian scale optional and responsibility of developer
Permitted Furniture	Bicycle racks, benches, parking meters

\*Use of swales instead of curb and gutter may be approved on a case by case basis by County Engineer

\*\*Number of travel lanes will be determined by the traffic count



## Collector (Minor) Residential



Width	
A. Right of Way Width	56'
B. Back-of-curb to back-of-curb	27'
Streetscape	
C. Utility placement easement (min)	5' (one side)
D. Maintenance strip (min)	3.5' (each side)
E. Sidewalk (min)	5' (one side)
F. Planting area (min)	6' (each side)
Travelway	
G. Travel lane	12'
General	
Walkway type	Sidewalk
Planting Type	Tree lawn
Tree Spacing	40' o.c. avg.

Engineering Specifications	
Design Speed (mph)	40 mph
Design Vehicle	All Vehicles
Signalized Intersection Density	As warranted
Driveway Spacing	As needed
Median Opening Distance	N/A
Partial Medians/Island	No
Curb Radii	5-10'
Lighting	Required on all public streets for new development, pedestrian scale optional and responsibility of developer
Permitted Furniture	Bicycle racks, benches, parking meters



## Pavement Width

Pavement width for rural roads shall be measured from pavement edge to pavement edge. Residential, commercial, collector, and industrial roads shall measure pavement width from back-of-curb to back-of-curb or from low-point-of-valley to low-point-of-valley.

The mixing of rural and any other road classification is prohibited. Curb and gutters shall be installed on all paved roads unless the county engineer determines that another system is acceptable. Roads without curb and gutter shall have a minimum right-of-way of 66 feet; provided, however, when stormwater swales or other stormwater features are located along the roadside and specifically outside of the right-of-way, then the right-of-way may be reduced to 50 feet. The stormwater swales or other stormwater feature must be within a minimum eight (8) foot drainage easement or conservation easement, with clearly defined maintenance by a private owner or homeowners' association.

In the event the development of property includes or abuts an existing platted county road that does not conform to the minimum requirements set forth in this chapter, or in the event that the development will result in an increase in the average daily traffic using the road to the extent that the classification of the road will change under these regulations, or the road is shown on the county's thoroughfare plan, the preliminary land development (land development or subdivision) plan must provide for sufficient right-of-way to increase the size of the right-of-way to the width needed under the new classification. In the event that the development abuts only one (1) side of such a road, the additional right-of-way reserved shall not exceed one-half (1/2) of the additional right-of-way required under the new classification, measured from the centerline of the existing right-of-way. The plat shall clearly denote that any subject right-of-way described above is reserved for future road widening. Lot area requirements and setback requirements shall not use the reserved right-of-way area in their measurements.

## Road Geometric Design

Unless specifically addressed in these regulations, all geometric elements of roadway design for streets and roads in the County Road System will be in accordance with the AASHTO Policy on Geometric Design of Highways and Streets [and the SCDOT Roadway Design Manual](#).

### Horizontal Curves

Horizontal curves are to be introduced at all changes of direction on collector, local commercial and industrial service streets and at changes of direction on residential streets where the deflection angle exceeds 10 degrees. [Refer to the SCDOT Roadway Design Manual for further information.](#) The minimum radii of curvature are to be in accordance with **Table 21**. [Refer to the SCDOT Roadway Design Manual for further information.](#)





Table 20: Street Classification Requirements

Street Classification	Stopping Site Distance (ft.)	Min. Curve Radius (ft.)	Max. Grade (%)
Rural	*	*	12
Minor Residential	160	150	15
Local Residential	160	150	15
Local Commercial	275	350	12
Collector	275	350	12
Industrial Service	275	350	12
Arterial	*	*	*

\* Dependent on design speed selected

Speed limits on each street will be determined according to the shortest curve radius on the street. For streets with two (2) percent cross slopes (1/4 inch per foot crown) the maximum acceptable speed limits are shown in **Table 22**.

Table 21: Maximum Acceptable Speed Limits

Radius (ft.)	Speed Limit (mph)
150-179	20
180-299	25
300-459	30
460-674	35
675-939	40

### Vertical Curves

Crest vertical curves are to be of sufficient length to provide the minimum stopping sight distance at the design speed. [Refer to the SCDOT Roadway Design Manual for further information.](#) ~~The lengths required are as shown in Table 23. The lengths are calculated using the formulas:~~

~~Where  $S < L$ ,  $L = (S^2 \times A) / 1400$~~

~~Where  $S > L$ ,  $L = 2S - 1400 / A$~~

~~Where:~~



- $S$  = Stopping site distance (feet)
- $L$  = Length of vertical curve (feet)
- $-A$  = Algebraic difference in grades

Table 23: Minimum Length of Crest Vertical Curves (Feet)

Algebraic Difference in Grades	For Stopping Sight Distances of:			
	160-feet	275-feet	300-feet	350-feet
4.0	—	200.0	250.0	350.0
5.0	40.0	270.0	321.4	437.5
6.0	86.7	324.1	385.7	525.0
7.0	120.0	378.1	450.0	612.5
8.0	145.0	432.1	514.3	700.0
9.0	164.6	486.2	578.6	787.5
10.0	182.9	540.2	642.9	875.0
11.0	201.1	594.2	707.1	962.5
12.0	219.1	648.2	771.4	1050.0
13.0	237.7	702.2	835.7	1137.5
14.0	256.0	756.3	900.0	1225.0
15.0	274.3	810.3	964.3	1312.5
16.0	292.6	864.3	1028.6	1400.0
17.0	310.9	918.3	1092.9	1487.5
18.0	329.1	972.3	1157.1	1575.0
19.0	347.4	1026.3	1221.4	1662.5
20.0	365.7	1080.4	1285.7	1750.0

### Intersections

The centerlines of no more than two (2) streets shall intersect at any one point. Whenever possible, the centerlines of intersecting streets are to be perpendicular but in no case is the angle of intersection to be less than 60 degrees. All angles and distances are measured relative to the intersection of a street centerline.

### Intersections in Curves

Intersections within a horizontal curve are permitted provided that the intersecting street has a 100-foot minimum tangent at the intersection and the required corner sight distance is maintained. Whenever possible, the tangent of the intersecting street is to be radial to the curve but in no case will it be more than 30 degrees from radial.

### Reverse Curves



Reverse curves are permissible provided that applicable sight distances are maintained.

#### Curb Radius

The minimum acceptable curb radius at intersections is 25 feet. Larger radii must be provided in accordance with the AASHTO Policy on Geometric Design of Highways and Streets when significant tractor-trailer, or other large vehicle, traffic is expected.

#### Medians

Natural or planted medians separating opposing traffic lanes are acceptable. The minimum width of pavement on either side of the median is to be in accordance with the minimum lane widths contained in ~~Table 21~~ **Table 24**. Barrier type curbs or adequate lateral clearance, however, must be provided on the median. Painted medians are required on collectors, local commercial and industrial service streets.

**Table 22: Lane Widths and Design Speeds for Various Street Classifications**

Street Classification	Min. R/W Width (ft.)	Min. Pave. Width (ft.)	Min. Lane Width (ft.)	Design Speed (mph)
Rural	66 (3)	22 (2)	11	(1)
Minor Residential	<del>50</del> <u>56</u>	<del>20</del> <u>27</u>	<del>10</del> <u>12</u>	<del>25</del> <u>40</u>
Local Residential	50	24	12	25
Local Commercial	66	36	12	40
Collector	<del>66</del> <u>68</u>	<del>36</del> <u>39</u>	12	40
Industrial Service	66	36	12	40
Industrial Service	80	36 (2)	12	40
Arterial	100	52	24	

#### Islands

A natural or planted island may be used in the center of cul-de-sacs on residential and rural streets provided that a minimum pavement width of 18 feet is maintained around the island.

#### Cul-de-Sacs

Cul-de-sacs shall not be used to avoid connection with an existing road or to avoid connection to adjoining property. Cul-de-sacs shall not be used to provide access to development on the boundary of the development except where a cul-de-sac is necessitated by topography or property accessibility or is appropriate for land use separation.

#### Cul-de-sac Length

Cul-de-sacs shall not exceed 1,200 feet in length unless necessitated by topography or property accessibility, and accessibility and are approved by the development review team. Measurement shall be from the point where the centerline of the dead-end road intersects with the centerline of a general

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circulation road to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 1,200 feet from a general circulation road as measured by the centerline of the roads.

#### Cul-de-sac Design

Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter and a paved turnaround with a minimum outside diameter of 80 feet, or other approved type of turn around, including Ts, Ys or landscaped islands with a minimum right-of-way sufficient for county maintenance. In addition, all cul-de-sacs must have a landscaped interior island, at least 40 feet in diameter. The minimum pavement width around a cul-de-sac island shall be 16 feet, and this portion of the pavement shall be designated as a one-way for traffic purposes. A provision for adequate drainage must be designed for the island, and a provision for maintenance of landscaping on the island must be included in the recorded restrictive covenants for the subdivision.

#### Sidewalks

Sidewalks shall be constructed on both sides of the road to meet the following standards:

1. The minimum width of all sidewalks shall be five feet;
2. Pervious material may be used.
3. A grassed area or planting strip following guidance above for various road types at least one and a half feet wide shall be provided to separate the sidewalk from the adjacent curb or edge of street pavement.
4. Sidewalks shall match the grade or elevation of adjacent sidewalk at the property lines; if there is no adjacent sidewalk, the sidewalk shall be six inches above the adjacent edge of the pavement grade at the property line.
5. Sidewalks shall be constructed to meet the minimum requirements of the Americans with Disabilities Act (ADA).

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All sidewalks within ~~future or proposed~~ Richland County Right-of Way shall be installed prior to ~~the requesting a~~ final inspection of ~~all assets intended for public dedication streets and storm drainage and formal street acceptance~~. ~~If the sidewalks are not completed when the developer is ready to turn the roads over to the County, then a surety bond equal to the construction cost of the sidewalks shall be provided for the incomplete sidewalks.~~ This bond can be reduced as sidewalks are completed.

#### Temporary Dead-end Road and Half Roads

##### Dead-end Roads

Temporary dead-end roads shall be provided with a temporary turnaround having a roadway surface diameter of 80 feet or other type of approved turnaround.

##### Half Roads



Half roads of less than two (2) lanes are prohibited. Whenever a road is planned adjacent to the proposed development tract boundary, the entire road right-of-way shall be platted within the proposed development, or a portion of the road may be platted and reserved with adequate provision for the concurrent dedication of the remaining portion of the right-of-way by the adjacent landowner, evidence of which shall be furnished by the developer through an acquired and recorded easement.

Visibility at Intersections

All roadways are to be designed so that adequate corner sight distance is provided at all intersections. Corner sight distance at an intersection is measured from a point on the intersecting street 15 feet from the edge of pavement on the through street and 3.75 feet above the street surface to an object 4.5 feet high on the through street. The minimum corner sight distance is equal to the stopping distances shown in [Table 21](#) ~~Section 5.2.4 of the Richland County Road Design Standards~~ at the design speed, or posted speed limit, on the through street.

The stopping distance is the distance that a vehicle travels during the time in which the driver perceives a hazard in the road, reacts, and brings the vehicle to a halt. Stopping distance can be calculated using the following equation:

$$d = 1.47V_t + 1.075 \frac{V^2}{a}$$

- Where:
- $d$  = stopping distance (feet)
  - $t$  = brake reaction time (seconds)
  - $V$  = design speed (miles per hour)
  - $a$  = driver deceleration (feet per second squared)

When  $t$  is 2.5 seconds and  $a$  is 11.2 ft/s<sup>2</sup>, ~~Table 24~~ **Table 25** indicates the resulting stopping distances for varying design speeds.

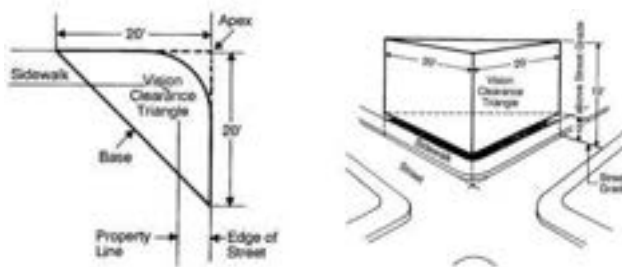
Table 23: Stopping Distances

Design Speed, V (mph)	Stopping Distance, d (ft.)
10	46.3
20	111.9
25	151.9
30	196.6
35	246.2
40	300.6
45	359.7
50	423.7
55	492.5



The road standards for visibility at intersections include the following, ~~as described in Section 26-181(c) of the Richland County Land Development Code:~~

1. *Sight clearance to be maintained.* At each corner of each road or driveway/road intersection, a sight area shall be maintained. Within the sight area, no fence, wall, sign, slope, embankment, parked vehicle, hedge, foliage, planting, object, or structure shall be placed, erected, or maintained that will obstruct visibility within the sight area.
2. *Dimensions of the sight area.* The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining the right-of-way lines at points that are measured along the right-of-way lines as seen in **Figure 6** and described below.



**Figure 6: Horizontal Dimensions of Sight Areas**

- a) Fifteen (15) feet distant from the point of the intersection of the right-of-way lines in commercial and industrial districts.
- b) Twenty-five (25) feet distant from the point of the intersection of the right-of-way lines in residential districts

Those sight areas shall be established regardless of the angle of intersection of the right-of-way lines. For the intersection of a driveway and a road, the triangular area is that formed by the right-of-way and the edge of the driveway and a straight line joining the right-of-way and driveway edge at points that are 15 feet distant from the point of intersection.

The vertical dimensions (cross-visibility) of sight areas are defined as the vertical space between



the heights of 2.5 feet and 10 feet in elevation above the nearest edge of the road pavement of a paved road or above the nearest edge of the riding surface of an unpaved road. Trees having limbs and foliage trimmed so that the cross-visibility within the triangle is not obscured shall be allowed to overhang the sight triangle, provided the location of any tree does not create a traffic hazard.

**NOTE:** The profile of existing streets on either side of a proposed intersection shall be provided to ensure that adequate sight distances are available.



Lateral Clearance

A minimum lateral clearance as shown below shall be maintained from the edge of pavement or from the back of curb or valley gutter:

- Rolled curb and gutter.....6.0 feet
- Barrier type curb.....4.0 feet
- Valley gutter.....6.0 feet
- Flat pavement..... 10.0 feet

No entrance gates or other obstructions, with the exception of traffic control, street name signs, and mailboxes, are to be placed within these distances from the edge of the street.

Trees are allowed at the right-of-way line only and must utilize a root barrier on the sidewalk and/or roadway side.

It should be noted that the above setbacks are minimums based on the obstruction being located on a tangent. When an obstruction is located within a horizontal curve, the setback must be calculated using the equation:

R = S^2 / 8M

- Where:
- R = Radius of curvature at the centerline of the lane closest to the obstruction (feet)
  - M = Distance from the centerline of the lane to the obstruction (feet)
  - S = Stopping sight distance (feet)

Provided the above setbacks and sight distance requirements are met, trees may be retained or planted within the right-of-way for aesthetic or environmental purposes.

Road Subgrade and Pavement Structure Requirements

Table 253Table 26 indicates the various traffic classes for different types of roads. Refer to the Road Classification section of Chapter 7 for additional information on types of roads.

Table 24: Traffic Classes

Class 1	Class 2	Class 3	Class 4
---------	---------	---------	---------





<ul style="list-style-type: none"> <li>• Access Street*</li> <li>• Park Road*</li> <li>• Alleyways*</li> <li>• Local Street*</li> </ul> <p>* [ADT&lt;250]</p>	<ul style="list-style-type: none"> <li>• Local Street [ADT&gt;250]</li> <li>• Minor Collector (Residential) [ADT&lt;1000]</li> <li>• Minor Collector (Commercial) [ADT&lt;1500]</li> </ul>	<ul style="list-style-type: none"> <li>• Minor Collector (Residential)*</li> <li>• Major Collector (Commercial)*</li> </ul> <p>*[1000&lt;ADT&lt;2000]</p>	<ul style="list-style-type: none"> <li>• Major Arterial</li> <li>• Local Industrial</li> <li>• Major Service Drives or Entrance</li> </ul>
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**Table 264Table 27** provides detail on subgrade categories. The three (3) subgrade categories (poor, medium, and good) are illustrated in **Figure 7**, **Figure 8**, and **Figure 9**, respectively. In all three cases, the minimum pavement section consists of 3-inch Asphalt and 6-inch Macadam Base.

**Table 25: Subgrade Categories**

	Poor	Medium	Good
<b>Description</b>	<ul style="list-style-type: none"> <li>• Becomes soft and plastic when wet.</li> <li>• Clay and fine silts <ul style="list-style-type: none"> <li>○ ≥ 50% passing No. 200</li> </ul> </li> <li>• Coarse silts and sandy loams <ul style="list-style-type: none"> <li>○ Deep frost penetration</li> <li>○ High water table</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Retains a moderate degree of firmness under adverse conditions</li> <li>• Loams, silty sands, and sandy-gravels containing moderate amounts of fine silts.</li> </ul>	<ul style="list-style-type: none"> <li>• Retains a substantial amount of load-supporting capacity when wet.</li> <li>• Clean sands, sand-gravels, and those free of detrimental amounts of plastic fines. <ul style="list-style-type: none"> <li>○ ≤ 10% passing No. 200</li> </ul> </li> <li>• Relatively unaffected by moisture or frost.</li> </ul>
<b>Typical Properties</b>	CBR < 6 LL > 40 PI > 10 GI > 4	CBR: 6-9 LL: 25-40 PI: 6-10 GI: 2-4	CBR ≥ 10 LL < 25 PI < 6 GI < 2

$$GI = (F_{200} - 35)[0.2 + 0.005(LL - 40)] + 0.01(F_{200} - 15)(PI - 10)$$



Where:

$F_{200}$  = Percent of subgrade soil passing the No.200 sieve

$LL$  = Liquid limit of subgrade soil

$PI$  = Plastic index of subgrade soil

A geotechnical professional needs to provide design plans, reports and/or details. A soils report is required to determine subgrade conditions (i.e., poor, medium, or good).



# Modified SCAPA Standard

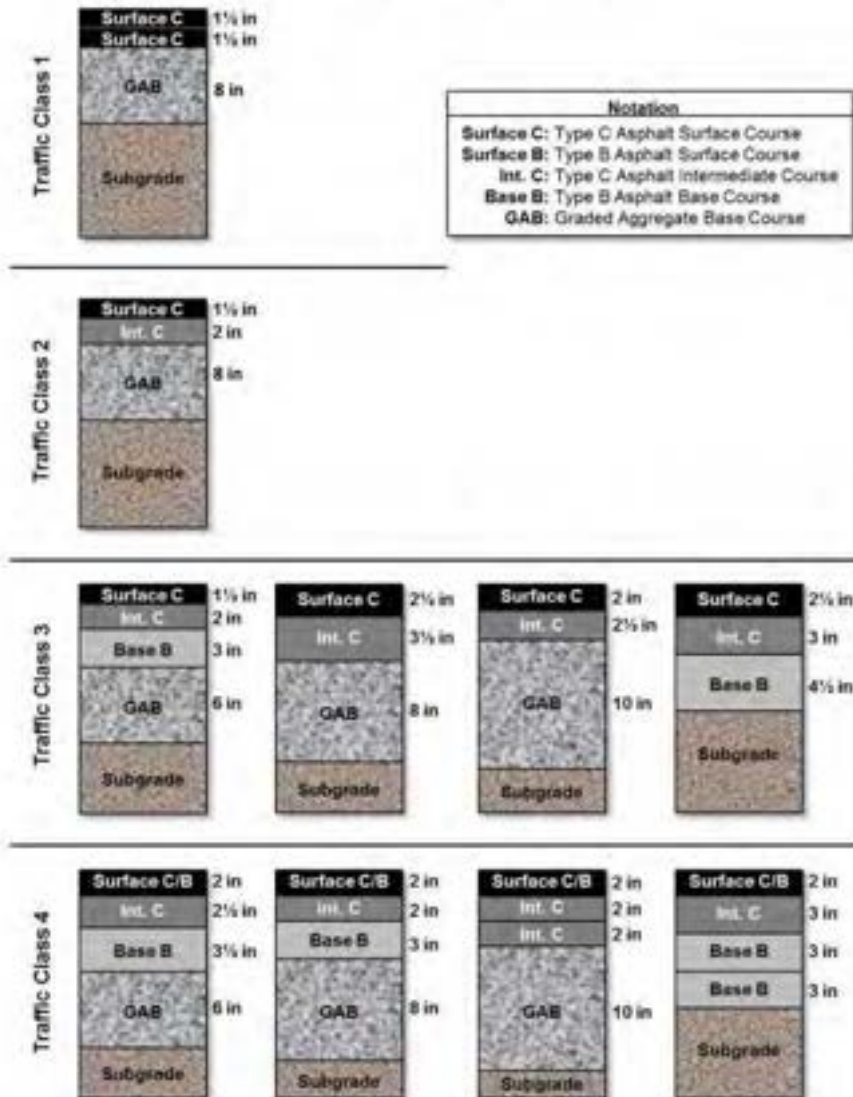


Figure 7: Poor Subgrade

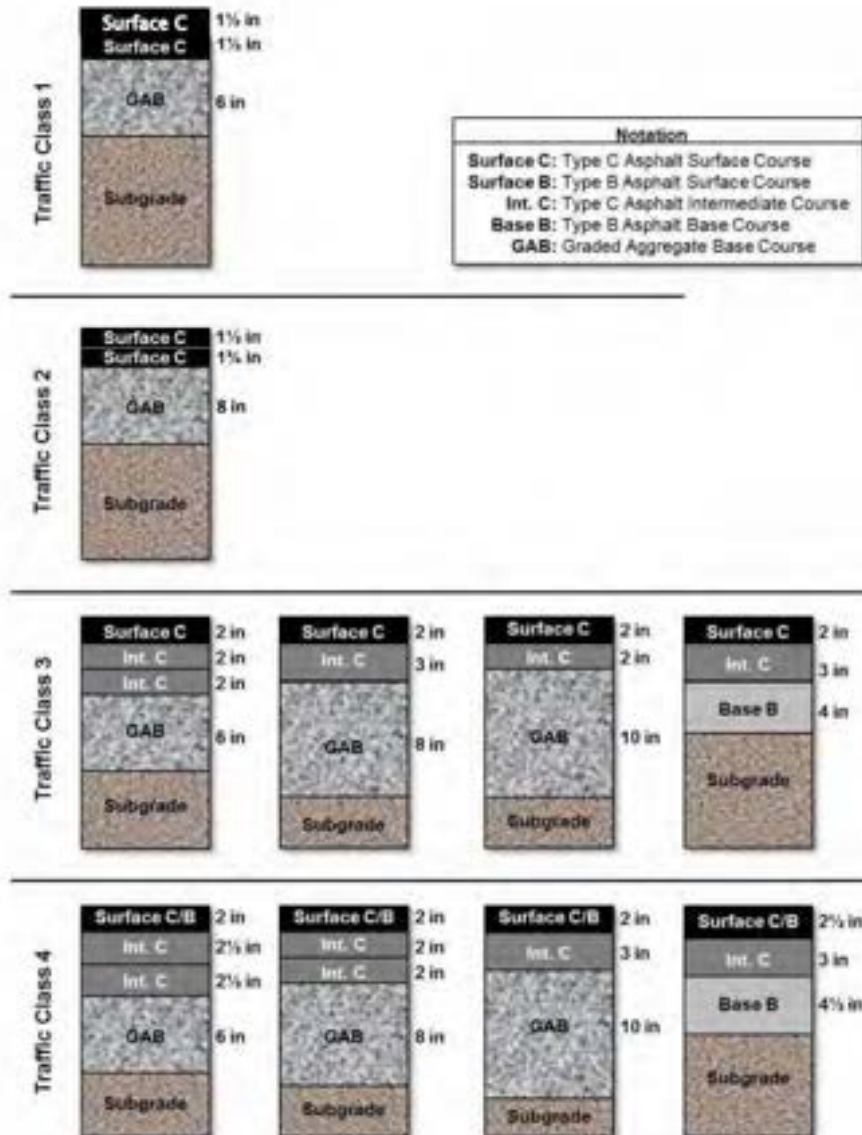


Figure 8: Medium Subgrade

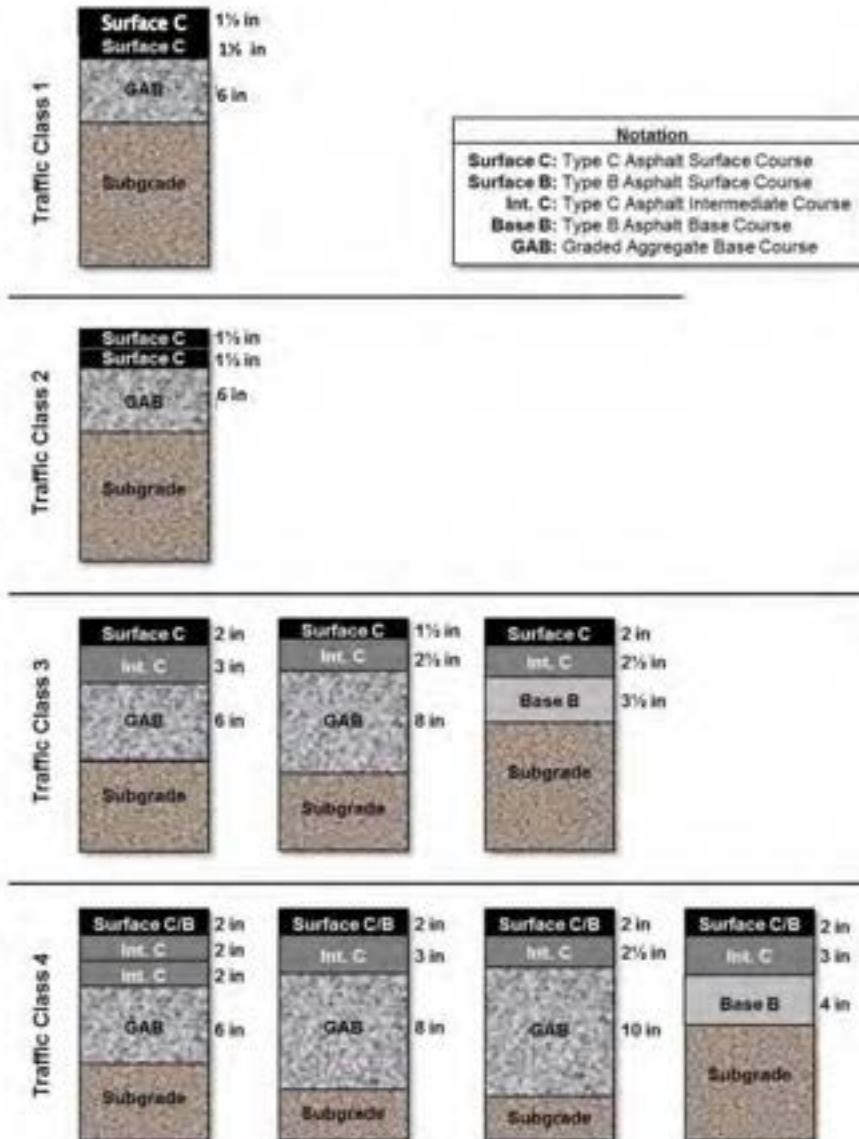


Figure 9: Good Subgrade



## Road Connectivity

The arrangement of roads in a subdivision shall provide for the alignment and continuation or extension of existing roads in adjoining areas in compliance with the standards set forth in this section. Greater widths may be required if the existing road is identified for widening in the County's thoroughfare plan.

Where it is deemed necessary to the development of a logical road pattern and transportation network, roads and rights-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical road pattern. Reserve strips adjoining road rights-of-way for the purpose of preventing access to adjacent property shall not be permitted. [For further detail and requirements, refer to Section 26-5.1\(c\)\(3\) of the Richland County Land Development Code.](#)

## Reservation of Road Connections

In certain situations, the development review team may permit a platted lot to be "reserved for future connection" in lieu of construction of the road connection. In the event the connection is constructed, any remaining property shall be conveyed to adjoining property owners.

In the event that the adjoining property is later developed in such a manner that it is determined that the connection is not required or desirable, the reservation will be terminated, ownership of the lot will remain with the developer. If the extension has not been constructed within the 10-year period, the development review team will determine the continued necessity of the extension and may recommend that the reservation be terminated, with ownership of the lot remaining with the developer.

## Conservation Area Access

One (1) private access easement shall be allowed across a conservation area, provided that such access is at least 20 feet in width and provides access to no more than one (1) parcel.



## Chapter 8: Road Construction and Testing

### Clearing and Grubbing

All work associated with clearing and grubbing of all debris, vegetative matter, trees, stumps and obstructions within the limits of disturbance such as roadway, right-of-way, easement areas, ditches, etc., unless otherwise stated to remain in accordance with the approved set of plans. All clearing and grubbing work shall be authorized under a Richland County issued land disturbance permit. The Contractor shall confirm all organic, vegetative matter (roots, stumps, logs, etc.) have been removed from the roadway area and document any unsuitable soil conditions with the right-of-way. The report shall be submitted to the County Engineer's office for review and approval.

### Road Embankment

All stumps and large roots must be removed from the roadbed prior to placement of fill for embankments regardless of fill height. All roadway embankment and embankment fill must be approved and signed off on by the geotechnical engineer. Roadway embankment fill is to be placed and compacted in lifts not exceeding eight (8) inches. The contractor is responsible for providing geotechnical testing and documentation that the embankment material has been compacted to 95 percent of maximum proctor density. Density testing of embankment fill is to be performed every 16 inches of fill or the fill limit, whichever is less. Spacing of density testing is to be every 250 feet of road, alternating lanes. There shall be a minimum of two (2) tests per road per 16 inches of fill (or the fill limit, whichever is less). The Department of Community Development and Planning's office is to be copied on all testing. No proof-roll of the sub grade will be scheduled until the compaction has been documented.

### Road Embankment Modifications

Any roadway embankment modifications (extra stone, soil cement, lime treatment, geo grid, etc.) must be approved by the geotechnical engineer and the Community Planning and Development's office notified of such modifications.

### Materials and Equipment

Materials and Equipment used for all Roadway Courses shall be in accordance with the latest edition of the SCDOT Standard Specifications and in working condition necessary for the construction, application, placement and maintenance.

Any Geotechnical Firm that is to conduct work in Richland County shall hold at least one lab certification from the following agencies:

1. SCDOT
2. AASHTO
3. CMEC
4. USACE



Each firm is responsible for providing their credentials when the initial proofroll is requested.

### Road Construction Requirements

The typical flexible pavement structure consists of subgrade (subbase) course, base course, and surface course and shall be in conformance with lines, grades, dimensions, and cross-sections shown on approved construction plans. Testing requirements for each course are listed below in [Table 25Table-28](#).

**Table 26: Roadway Course Testing Requirements**

Roadway Courses	Mix Design Required?	Thickness Testing Frequency	Prime Coat Required?
<b>Subgrade Course</b>			
Cement Modified	Yes	500 ft per 2 lane roadway	No
Soil Aggregate	No	250 ft per 2 lane roadway	Yes
<b>Base Course</b>			
Sand Clay	No	250 ft per 2 lane roadway	Yes
Soil Aggregate	No	250 ft per 2 lane roadway	Yes
Stabilized Aggregate	No	250 ft per 2 lane roadway	No
Cement Modified Recycled	No	500 ft per 2 lane roadway	Yes (curing coat)
Cement Stabilized Earth (Soil Cement)	Yes	250 ft per 2 lane roadway	Yes (curing coat)
Macadam	No	250 ft per 2 lane roadway	Yes
Recycled Portland Concrete Cement	Yes	250 ft per 2 lane roadway	Yes
Cement Stabilized Aggregate	Yes	250 ft per 2 lane roadway	Yes (curing coat)
<b>Intermediate Course</b>			
Asphalt Binder or Intermediate Course	No	500 ft per 2 lane roadway	Yes (tack coat)
<b>Surface Course</b>			
Asphalt Surface Course Type C or Type D	Yes	500 ft per 2 lane roadway	Yes (tack coat)





Further information about each roadway course is provided in the sub-sections below.

#### **Subgrade Course**

The following subgrade course types are acceptable to Richland County:

- Native Soils Subgrade can be used as a subgrade and must be properly prepared for construction and pavement structure.
- Cement Modified Subgrade can be used in the modification of an existing subgrade by adding Portland cement, pulverizing the in-place soil, mixing, shaping, compacting, curing, and finishing the mixed material to form a subbase for a pavement structure.
- Soil Aggregate Subgrade can be used for the increasing the strength of the subgrade or subbase by adding aggregate, crushed stone and the construction of a soil-aggregate subbase on a properly prepared foundation course (subgrade or subbase) for pavement structure.

#### **Construction of Subgrade Courses**

Cement Modified and Soil Aggregate Subgrade Courses shall include roadbed preparation, pulverization, cement application, mixing, compacting, curing, and surface smoothness in accordance with the latest edition of the SCDOT Standard Specifications.

Prior to placement of these subgrade courses, the subgrade shall be prepared in accordance with the latest edition of the SCDOT Standard Specifications.

Curing, opening to traffic, and the reconstruction process shall be in accordance with the latest edition of the SCDOT Standard Specifications.

Subgrade course testing requirements are summarized in [Table 25](#)~~Table 28~~ above.

#### **Maintenance of Subgrade Courses**

Cement Modified and Soil Aggregate Subgrade Courses shall be maintained in good condition until all work is complete and accepted. Any defects that may occur must be repaired immediately. Any repairs made shall be to the full depth of the subbase.

#### **Mix Design Requirements**

Prior to field installation of Cement Modified Subgrade or at the time of design construction plans submittal, a proposed mix design shall be submitted to the Community Planning and Development's office for review and approval. The geotechnical engineer or design professional shall submit the proposed mix design. The mix design shall include the following:

- Aggregate gradation data,
- Liquid limit,
- Plastic limit and plasticity index of soils,
- Cementitious materials,
- Compressive strength,
- Standard proctor Moisture Density relationship curve, and
- Auger boring data.



The subgrade will need to be maintained in smooth, rut free, fully compacted condition. The subgrade must remain adequately drained and free from depressions and deleterious materials.

Under no circumstances can any base, surface course or pavement be placed on the subgrade before it is inspected and approved by the Department of Community Development and Planning.

Under no circumstances can materials be stockpiled or stored on the subgrade without prior approval of the Department of Community Development and Planning.

Under no circumstances can any base, surface course, or pavement be placed on the subgrade that is muddy, frozen, or unstable.

#### **Base Course**

The following base course types are acceptable to Richland County:

- Sand Clay Base Course,
- Soil Aggregate Base Course,
- Graded Aggregate Base Course: Macadam Base Course and Recycled Portland Cement Concrete,
- Base Course,
- Stabilized Aggregate Base Course or Graded Aggregate Base Course,
- Cement Modified Recycled Base Course, and
- Cement Stabilized Earth Base Course (Soil Cement).

#### **Construction of Base Courses**

Base courses shall include subbase preparation, pulverization, cement application, mixing, compacting, curing, and surface smoothness in accordance with the latest edition of the SCDOT Standard Specifications.

Prior to placement of base courses, the subgrade course shall be prepared in accordance with the latest edition of the SCDOT Standard Specifications.

Curing, opening to traffic, and the reconstruction process shall be in accordance with the latest edition of the SCDOT Standard Specifications.

Base course testing requirements are summarized in [Table 25](#) ~~Table 28~~ above. Note that in addition to those requirements, Cement Stabilized Earth (Soil Cement) must have a required 300 psi compressive strength.

#### **Maintenance of Base Courses**

Base courses shall be maintained in good condition until all work is complete and accepted. Any defects that may occur must be repaired immediately. Any repairs made shall be to the full depth of



the subbase.

#### **Mix Design Requirements**

Prior to field installation of base courses requiring mix design (see ~~Table 25~~~~Table 28~~) or at the time of design construction plans submittal, a proposed mix design shall be submitted to the Community Planning and Development's office for review and approval. The geotechnical engineer or design professional shall submit the proposed mix design. The mix design shall include the following:

- Aggregate gradation data,
- Liquid limit,
- Plastic limit and plasticity index of soils,
- Cementitious materials,
- Compressive strength,
- Standard proctor Moisture Density relationship curve, and
- Auger boring data.

#### **Binder or Intermediate Course**

The following Binder or Intermediate Course types are acceptable to Richland County:

- Asphalt Concrete Binder Course
- Asphalt Concrete Intermediate Course

#### **Construction of Binder or Intermediate Course**

Asphalt Concrete Binder or Intermediate Course shall be constructed in accordance with the latest edition of the SCDOT Standard Specifications.

#### **Maintenance of Binder or Intermediate Course**

Asphalt Concrete Binder or Intermediate Course shall be maintained in good condition until all work is complete and accepted. Any defects that may occur must be repaired immediately. Any repairs made shall be to the full depth of the intermediate course.

If asphalt concrete binder or intermediate course is in place for nine (9) months without surface course, the binder course is subject to an inspection. A proof roll inspection and geotechnical engineering evaluation will be required to assess the condition of the course. If the proof roll fails, then a geotechnical recommendation must be submitted for review within 10 days of the proof roll. Repairs, according to the approved geotechnical evaluation, must be completed within 30 days of the approval by Richland County. The intermediate I binder course is subject to a proof roll and geotechnical evaluation every six (6) months until the surface course is installed.

#### **Surface Course**

The following Surface Course types are acceptable to Richland County:

- Asphalt Surface Course Type C
- Asphalt Surface Course Type D



### **Construction of Surface Course**

Compacting, rolling, finishing, and opening to traffic shall be in accordance with the latest edition of the SCDOT Standard Specifications.

### **Maintenance of Surface Course**

Asphalt Surface Course Type C and D shall be maintained in good condition until all work is complete and accepted. Any defects that may occur must be repaired immediately. Any repairs made shall be to the full depth of the surface course.

### **Weather Restrictions**

Asphalt Surface Course Type C and Asphalt Surface Course Type D cannot be applied on a wet surface or when the ambient temperature is below 45°F.

### **Asphalt Mixture Placement Quality Control Verifications**

During all asphalt mixture placement and compaction operations, a density gauge shall be in use. Asphalt roadway quality control verifications shall be documented by a certified Asphalt Roadway Technician. The rolling and compacting roadway verification shall include the following:

- Proper number and type of rolling and compacting equipment,
- Rolling equipment meet the SC-T-65 procedure for SCDOT specifications,
- Establish a roller pattern,
- Identify asphalt type, depth thickness, mixture placement, and compaction during production, and
- Document ambient air and temperature

Materials, mixture composition, equipment, and construction of Hot Mixed Asphalt Surface Courses (Types 1, 2, 3 and 4 or latest equivalent approved by SCDOT) may be used with prior approval of the County Engineer's Office and in accordance with the latest edition of SCDOT Standard Specifications and AASHTO standards.

If the County Engineer's Office determines that the asphalt surface course has areas of non-uniformity between coarse and fine aggregate particles within the compacted surface course pavement, the contractor and developer are responsible for correcting all segregated areas. These areas are to be removed and replaced for the full depth of the surface course with 10 feet on either side of the segregated areas for the full width of the paving lane.

### **Proof Rolling**

A proof roll inspection involves the following components: the specifications for equipment, construction and requirements of testing the roadway embankment and subgrade for compaction uniformity and stability through a proof roll inspection. The request process for a proof roll as well as the proof roll inspection form can be found in [Appendix K: Proof Roll Request Process and Inspection](#)



## **Form ~~Appendix L: Proof Roll Request Process and Inspection Form.~~**

### **Equipment**

The contractor shall ensure that the equipment used is in acceptable working condition necessary for the construction and testing in areas subject to proof roll inspections. A fully loaded tandem axle dump truck or an approved equivalent by the County Engineer's Office is accepted for proof rolling. The approved equipment shall only have air-filled pneumatic tires with a pressure between 70 and 90 psi while proof rolling.

Special Condition | A motor grader can be used for proof rolling concrete curb and gutter only as an alternative to a fully loaded tandem axle dump truck.

### **Proof Rolling Method**

Each lift of embankment and subgrade below the finished subgrade elevation before placement of subsequent lifts shall be proof rolled. Prior to scheduling any proof roll inspections, all density testing data must be submitted to and approved by the Department of Community Development and Planning.

All proof rolls are to be performed in the presence of the County Engineer's Office representative or a certified earthwork, drainage and base inspector designated by the Department of Community Development and Planning, geotechnical engineer, and contractor.

### **Proof Roll Types**

The following proof roll types are described in the sub-sections that follow:

- Concrete Curb and Gutter
- Cement Stabilized Earth (Soil Cement)
- Subgrade
- Embankment
- Base Course
- Existing Base Courses (in some cases)
- Existing Surface Courses (in some cases)

### **Concrete Curb and Gutter Proof Roll and Soil Cement**

Proof rolls may be performed for concrete curb & gutter and soil cement at the request of the contractor. No proof roll inspection can be conducted without prior Richland County approval of the submitted density and subgrade condition reports. Proof roll inspection shall use a fully loaded tandem axle dump truck or full-sized motor grader (for concrete curb & gutter only).

The contractor shall schedule this inspection with the Department of Community Development and Planning. The geotechnical engineer, Richland County Engineer's office and contractor shall be represented and in attendance for the proof roll inspection. The County Engineer's Office reserves the



right to conduct or require additional testing at any time.

At the request of the contractor, Concrete Curb & Gutter Proof Roll can be conducted with soil cement proof rolls simultaneously with prior approval from the Department of Community Development and Planning. A proof roll geotechnical engineer's inspection/observation report shall be submitted to the Department of Community Development and Planning.

#### **Embankment, Subgrade and Base Course Proof Rolls**

Proof rolls may be performed for embankment, subgrade and base course at the request of the contractor. No proof roll inspection can be conducted without prior Richland County approval of the submitted density and subgrade condition reports. Proof roll inspection shall use a loaded tandem axle dump truck only. The contractor shall schedule this inspection with the Department of Community Development and Planning. The geotechnical engineer, Richland County Engineer's office and contractor shall be represented and in attendance for the proof roll inspection. The Department of Community Development and Planning reserves the right to conduct or require additional testing at any time. A proof roll geotechnical engineer's inspection/observation report shall be submitted to the Department of Community Development and Planning.

#### **Existing Binder Course Proof Roll**

Proof rolls may be performed for existing base course that has been in place for six (6) months at the request of the contractor or if the County deems current conditions require further testing. No proof roll inspection can be conducted without prior Richland County approval of the submitted density and subgrade condition reports. Proof roll inspection shall use a fully loaded tandem axle dump truck only. The contractor shall schedule this inspection. The geotechnical engineer, Richland County Engineer's office and contractor shall be represented and in attendance for the proof roll inspection. The County Engineer's Office reserves the right to conduct or require additional testing at any time. A proof roll geotechnical engineer's inspection/observation report shall be submitted to the County Engineer's Office.

#### **Existing Surface Course Proof Roll**

Proof rolls may be performed for existing surface course that has been in place for six (6) months at the request of the contractor or if the County deems current conditions require further testing. No proof roll inspection can be conducted without prior Richland County approval of the submitted density and subgrade condition reports. Proof roll inspection shall use a fully loaded tandem axle dump truck only. The contractor shall schedule this inspection. The geotechnical engineer, Richland County Engineer's office and contractor shall be represented and in attendance for the proof roll inspection. The County Engineer's Office reserves the right to conduct or require additional testing at any time. A proof roll geotechnical engineer's inspection report shall be submitted to the County Engineer's Office.

#### **Flowable Fill**

Flowable fill is acceptable to Richland County for the use of backfilling for abutments, bedding and encasement of pipes, catch basins, manholes, drop inlets, utility trenches, etc. The materials, equipment, construction, preparation and placement of Flowable Fill shall be in accordance with the



latest edition of the SCDOT Standard Specifications.

### **Roadway Repairs**

All roadway repairs must be approved by the Department of Community Development and Planning prior to repair work. A geotechnical roadway repair recommendation must be submitted to the Department of Community Development and Planning for review and approval. A geotechnical observation report of the repair must be submitted to the Department of Community Development and Planning once work is complete.

**Note:** Any Geotechnical Firm that is to conduct work in Richland County shall hold at least one lab certification from the following agencies:

1. SCDOT
2. AASHTO
3. CMEC
4. USACE

Each firm is responsible for providing their credentials when the initial proof roll is requested.

### **Full Depth Asphalt Pavement Patching**

Full Depth Asphalt Pavement Patching removes the material in the failed area and is replaced with fresh asphalt mixture. The approved method of full depth asphalt pavement patching shall include excavation or removal of damaged/failed area as determined by the County Engineer's office with straight and vertical cuts. The excavation or removal of the pavement shall be as much pavement as necessary, including granular base and subgrade, until a firm foundation is reached. The foundation shall be at least strong as the original pavement.

The minimum patch size shall be of six (6) feet by six (6) feet with at least 25 feet between patches. If unsuitable material is encountered during excavation, remove additional material as directed by the County Engineer's office. The faces of excavation or removal should be straight, vertical and solid. The sides of the existing asphalt pavement before placing the asphalt patch material shall be thoroughly tacked. The asphalt patch material shall be backfilled in layers not exceeding three (3) inches. The asphalt patch material shall be carefully to avoid segregation in the mix. Each layer shall be thoroughly compacted with a vibratory roller. After compaction, ensure that enough material is at grade with the surrounding existing pavement.

All full depth asphalt pavement patching work shall be conducted so that the removal and repair work is conducted within the same day and open to traffic within the same day. Ensure that the finished patch surface is smooth. Full depth asphalt pavement patching work shall not be conducted when the existing surface is wet or frozen.

### **Milling Existing Asphalt Pavement**

Existing asphalt pavement is to be milled according to the specified width, depth and cross-slopes at



locations shown on the approved set of construction plans or roadway repair recommendations. Existing Asphalt Pavement can be milled as directed by the County Engineer. The milled surface shall be smooth, clean and free from of all loose particles. All milled material shall be disposed. Existing drives and intersections are to be tied to milled surfaces.

#### **Removal of Existing Asphalt Pavement before Patching**

Damaged asphalt pavement shall be removed to the width and depth as approved by the County Engineer's office based on a signed, sealed geotechnical engineer recommendation. Patching cannot occur when the existing surface is wet or frozen. Ensure that the finished patch is smooth riding surface. The minimum patch size shall be of six (6) feet by six (6) feet with at least 25 feet between patches. If unsuitable material is encountered during excavation, remove additional material as directed by the County Engineer's office. The faces of excavation or removal should be straight, vertical and solid.

#### **Removal of Existing Concrete Curb and Gutter, Sidewalk or Driveway**

The removal of existing Concrete Curb and Gutter, Sidewalk or Driveway shall include excavation or removal of damaged/failed area as determined by the County Engineer's office with straight and vertical cuts. The excavation or removal of the pavement shall be as much pavement as necessary. The foundation shall be at least strong as the original pavement.

Ensure that the manner of construction, mixing and placing of concrete, expansion and contraction joints, final finish, protection and curing shall be in accordance with the latest edition of the SCDOT Standard Specifications. If unsuitable material is encountered during excavation, remove additional material as directed by the Community Planning and Development's office. Suitable material shall be placed as directed by the Community Planning and Development's office.

#### **Roadway Signs/Traffic Control Devices**

Road signs, in conformance with the requirements of the Federal Highway Administration's Manual on Uniform Traffic Control Devices 2009 Edition with Revisions dated May 2012; provided, however, if a later edition is published, this latest edition shall be used; and with the addressing coordinating specialist, shall be located at all intersections in a manner approved by the county engineer.

#### **Roadway Signs**

Any sign within a new development shall be installed by the developer at his/her own expense. Signs will be aluminum blanks on metal posts fabricated and mounted in a standard design established by the director of public works. Such signs shall have white reflective lettering a minimum of six (6) inches in height on a reflective background. Signs located on multi-lane roads with a speed limit of 40 mph or greater shall have lettering a minimum of eight (8) inches in height. A green background shall denote a public road and a blue background shall denote a private road.

Unless directed otherwise by the County Engineer, speed limits shall be posted at the maximum





allowable design speed based on the geometric design criteria of the road defined in this chapter and based on the current legal speed ~~limit~~limit.

#### **Traffic Control Devices**

All traffic control devices required by the Federal Highway Administration's Manual on Uniform Traffic Control Devices 2009 Edition with Revisions dated May 2012 incorporated shall be installed by the developer at his/her own expense. All devices shall conform to the required size and reflectivity found in the Manual on Uniform Traffic Control Devices 2009 Edition with Revisions dated May 2012 incorporated. Provided, however, if a later edition of the "Manual on Uniform Traffic Control Devices" is published, this latest edition shall be used.



## Chapter 9: Inspections and Enforcement

### Inspection and Enforcement Authority

Department of Community Development and Planning Inspectors are authorized by Richland County to inspect and enforce the requirements of the Land Development Ordinance. The inspectors shall ensure that construction is in accordance with the approved plans, third-party inspections are conducted, all required permits (e.g., building, grading) have been issued prior to the commencement of work, sediment and erosion control measures are in place, there is proper installation and/or proper maintenance of BMPs, all required documentation is onsite, there is no adverse/offsite impact to any adjacent property, environmental feature, water body or stormwater system. The Enforcement Response Guide can be found in [Appendix L: Enforcement Response Guide](#) ~~Appendix M: Enforcement Response Guide~~.

The inspectors shall be:

- Authorized to conduct inspections and file reports for periodic inspections as necessary during construction to assure compliance with the approved plans.
- Authorized to furnish the permittee or agent the results of inspections in a timely manner after the completion of each required inspection.
- Authorized to issue a "Notice of Violation (NOV)", subject to [Section 26-273.26-8.5\(b\)\(2\)](#) of the Richland County Land Development Code.
- Authorized to issue a "Stop Work Order (SWO)", subject to [Section 26-272.8.6\(b\)](#) Richland County Land Development Code.
- Authorized to conduct a final inspection upon the completion of the project to determine if the completed work is constructed in accordance with the approved set of design plans and/or as-built plan certified by the permittee's registered professional engineer.

### Inspections

Richland County Inspectors shall conduct periodic site inspections on all land disturbing activities. The person responsible for the land disturbing activity must arrange for the appropriate representatives to attend a Richland County pre-construction meeting and shall notify the Richland County Inspector before the initiation of construction and upon project completion. After the project completion is certified by a design professional, a final inspection will be conducted to ensure compliance with the approved Land Disturbance Permit. Richland County Inspectors shall:

- Ensure that the approved set of plans and associated (onsite) Stormwater Pollution Prevention Plan (SWPPP) are located on the project site and are properly being followed and implemented,
- Ensure that active construction sites are inspected for compliance with the approved plans on a regular basis,
- Provide the attendees of the pre-construction meeting (or designee) a written report after every inspection,
- Document the date and location of the site inspection,



- Provide inspection status: "Compliant" or "Non-compliant,"
- List all deficiencies and time frames by which to correct,
- Provide pictures on the report for some of the urgent deficiencies, and
- Notify the attendees of the pre-construction meeting (or designee) in writing within seven (7) working days after the issuance of a violation (posted card) order.

### **Third Party Inspections**

Third-party inspectors shall conduct inspections for compliance of the approved set of plans and approved stormwater pollution prevention plan during the construction phase (until Notice of Termination is processed by Richland County) of a project:

- Every seven (7) calendar days and within 24 hours after each rainfall event that produces 0.5 inches or more of precipitation,
- At the request of Richland County,
- At request of the permittee, and
- Due to a complaint of any construction impacts.

Reports must be placed in the construction box onsite within 72 hours of completion and must be emailed to [pwconstructionreports@rcgov.us](mailto:pwconstructionreports@rcgov.us) ~~dpwengineering@richlandcountysc.gov~~ within 72 hours of completion.

### **Sediment & Erosion Control Inspections**

Upon the issuance of a Land Disturbance Permit, construction can commence. Projects disturbing more than one (1) acre are required by DHEC to hire an inspector to conduct sediment & erosion control inspections weekly until the project is complete, per the local jurisdiction, and coverage has been terminated by DHEC. Richland County Inspectors will conduct their own compliance inspections which includes making sure third-party inspections are being conducted and are accurate.

### **Roadway Inspections**

Richland County Inspectors shall conduct periodic site inspections on roadway construction inspections. Richland County Inspectors shall enforce the following inspection items and ensure that the road is built with quality construction materials, best practices are followed, and that the roadway is being built according to the approved set of plans.

### **Final Inspections**

Upon completion of a project, a Final Inspection can be requested. All final inspection (and follow-up) requests must be sent to [pwinspections@rcgov.us](mailto:pwinspections@rcgov.us) ~~dpwengineering@richlandcountysc.gov~~ with "FINAL INSPECTION REQUEST" in the subject line. The email shall be acknowledged within 24 hours.

After verification that the closeout package is complete, an inspection will be scheduled within five (5) to seven (7) business days. The Engineer Certification (.pdf) must be attached to the request. Partial inspections are not granted. The Standard Operating Procedure (SOP) for Residential Final Inspections can be found in [Appendix M: Residential Final Inspection SOP](#) ~~Appendix N: Residential Final Inspection~~



SOP.

### Enforcement

In accordance with ~~Article XX~~ Article 26-8, Code Compliance Enforcement, of the Richland County Land Development Code, the Department of Community Development and Planning may issue a 'Notice of Violation' and/or 'Stop Work Order' upon findings of violations of the Richland County Land Development Ordinance.

The inspectors will consider the following criteria when determining a proper response:

- Magnitude of the violation,
- Duration of the violation,
- Effect of the violation on the receiving water body,
- Effect of the violation on the stormwater system,
- Compliance history of the violator, and
- Good faith of the violator.

### Special Investigations

Richland County Inspectors shall conduct investigations on any related land disturbing activities or project sites. The inspector will ensure that best management practices are being used and proper permitting and authorization has been followed.

### Issuing Violations

The Department of Community Development and Planning shall issue a 'Notice of Violation' and/or 'Stop Work Order' upon non-compliance of the Richland County Land Development Ordinance. In most cases, the 'Notice of Violation' is used as the first offense for ignoring a failed report. Subsequent non-compliance with the Ordinance or failure to take corrective action within the specified time period may result in a 'Stop Work Order.'

For violations that involve the safety of life, or an imminent threat of serious damage to the environment and public or private property, 'Notice of Violations' and 'Stop Work Orders' may be issued for, but not limited to the following:

- Construction not in accordance with the approved plans,
- Failure to have third-party inspections conducted,
- Working without grading, building, or other applicable permits,
- Failure to have sediment and erosion control measures in place, improper installation and/or improper maintenance of BMPs,
- Failure to have the required documentation onsite, or
- Adverse/offsite impact to any adjacent property, environmental feature, water body or



stormwater system.

#### **Notice of Violation**

The purpose of this correction order is to notify the owner/permittee and/or contractor/developer of deficiencies noted during specific inspections. Construction can commence but the contractor 'must' work towards corrective actions. 'Notice of Violations' shall be submitted in writing, and a card posted onsite if it shall result in immediate compliance as the work is being completed. The Department of Community Development and Planning shall give written notice to the violator within seven (7) working days of the inspection.

The inspectors will consider the following criteria when determining a proper response:

- Magnitude of the violation,
- Duration of the violation,
- Effect of the violation on the receiving water body,
- Effect of the violation on the stormwater system,
- Compliance history of the violator, and
- Good faith of the violator.

#### **Stop Work Order**

The purpose of this correction order is to 'stop' the owner/permittee and/or contractor/developer from all land-disturbing activity. Stop Work Orders shall be submitted in writing and a card posted onsite immediately. The Department of Community Development and Planning shall give written notice to the violator within seven (7) working days of the inspection.

The inspectors will consider the following criteria when determining a proper response:

- Response to any previous order or failed report,
- Magnitude of the violation,
- Duration of the violation,
- Effect of the violation on the receiving water body,
- Effect of the violation on the stormwater system, and
- Compliance history of the violator.

#### **Civil Citations**

The issuance of Civil Citations by the Inspector may be made for the following situations:

- When a 'Notice of Violation' and/or 'Stop Work Order' has not been complied with or there has no substantial progress in complying with the 'Notice of Violation' or 'Stop Work Order.'
- When a 'Stop Work Order' has been issued and work still continues in defiance of the order. Under such circumstances, the Civil Citation shall be issued for the stormwater management violation.
- When repeated, reoccurring violations take place at the same development site or when repeated reoccurring violations take place by the same responsible party. Each day that a



violation remains uncorrected constitutes a separate applicable violation.

- Citations will be sent by Certified Mail. Owners, agents, permittees, lessees, builders, contractors, developers, firms, corporations, or partnerships listed on the permit application or tax record may be cited under this provision.

#### **Criminal Penalties**

The County has the authority to charge any person violating any provision of this ordinance with a misdemeanor punishable within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.



## Chapter 10: Project Closeout & Dedication

### Closeout (Project Completion)

All Projects that have been submitted, approved, and received Land Disturbance Permits will require a Closeout Package to be submitted. This package needs to include at a minimum:

1. Surveyed as-built drawings
2. As-built calculations
3. PTOs for applicable utilities
4. Notice of Termination
5. Engineer's Certification
6. SCDOT Encroachment Permit (if applicable)
7. Permanent Maintenance Responsibility Agreement

A guide to the Closeout Process can be found in [Appendix N: Closeout Process](#) ~~Appendix O: Closeout Process~~.

For Residential Projects, roadways, and associated storm drainage constructed according to the approved set of plans may be dedicated to Richland County for ownership and maintenance. This is accomplished through the County's Closeout Process and the County reserves the right to deny acceptance of any project petitioned to be turned over to the County.

Once a Closeout Package has been submitted to the Department of Community Planning and Development for review, a Final Inspection can be scheduled. The package must include the above-referenced items and items in Steps one (1) and two (2) can be submitted simultaneously. All information must be submitted through the [eTrakit system](#), and the applicant should choose "Closeout Permit" when applying for the permit and should include the following:

- Record Drawings – The drawings must include "ALL" improvements and final road and storm drainage profiles.
- Record Drawings (CAD) – The digital submission should be a (.dwg) or (.dxf) file and must include all layers.

Also, as a condition for acceptance of infrastructure into the County system, Richland County requires a one-year or two-year warranty depending on the circumstances during construction as determined by the County Engineer, accompanied by a bond in the amount of 10 percent of the construction costs associated with the deeded infrastructure. The warranty will pertain to the design and construction of the streets and accompanying drainage system in accordance with the Road Design Standards and their satisfactory performance during the warranty period. The warranty period begins with the County's execution of the deed.

All pavement failures and other structural defects that are detected during the warranty period are to



be corrected by the grantor upon official notification by the Department of Public Works.

### **Dedication of Infrastructure**

Upon receipt of the dedication package, the Department will review all information for accuracy. If all information is accounted for and accurate, a recommendation will be submitted to the County Engineer for acceptance of the project into the County inventory within three (3) days of receipt of a complete package. The dedication package must include the following:

- Certificate of Title
- Deeds (Road Right-of-Way)
- Deeds (Storm Drainage Easements)
- Affidavit (For Department of Revenue)
- Final Plat (Last Revised)
- Memorandum of Understanding

Templates for the Road Right-of-Way Deed, Storm Drainage Easement Deed, and Affidavit for Deeds Templates can be found in [Appendix O: Road Right-of-Way Deed Template](#), [Appendix P: Road Right-of-Way Deed Template](#), [Appendix P: Storm Drainage Easement Deed Template](#), [Appendix Q: Storm Drainage Easement Deed Template](#), and [Appendix Q: Affidavit for Deeds Templates](#), [Appendix R: Affidavit for Deeds Templates](#).





## Chapter 11: Bond, Warranties and Agreements

### Financial Surety

For purposes of these Standards, "Financial Surety" shall refer to a County approved instrument and arrangement undertaken by and at the expense of the developer, established to provide a financial guarantee in favor of the County. In the event of default or failure by the developer, the Financial Surety shall be seized upon so as to provide funds for the completion of all required infrastructure improvements.

In lieu of the completion of a subdivision (infrastructure improvements), prior to final plat approval, the developer can provide financial surety in an amount with surety and conditions satisfactory to it, providing for and securing to the County the actual construction and installation of all improvements within a specified time period as expressed in the financial documents. The construction bond process can be found in [Appendix R: Construction Bond Process](#) ~~Appendix S: Construction Bond Process~~.

### Types of Surety Bonds

The following types of bonds shall be acceptable to the county, subject to review and approval by the Richland County Legal Department and/or the County Engineer or his/her authorized representative.

#### **Surety Bond**

A surety bond issued by an insurance company licensed to do business in the State of South Carolina in an amount equal to 125 percent of the estimated cost of improvements. The county engineer or his/her authorized representative will validate the remaining scope of work presented and the estimated cost of improvements.

#### **Escrow Funds**

A Cashier's Check may be accepted in an amount equal to 125 percent of the estimated cost of improvements. The county engineer or his/her authorized representative must validate remaining scope of work presented along with the estimated cost of improvements. The contract may authorize a reduction of the escrow account upon completion of a portion of the improvements, but at no time shall the escrow account be less than 125 percent of the remaining improvements.

#### **Letter of Credit**

An Irrevocable Letter of Credit may be accepted by a lending institution/bank licensed to do business in the State of South Carolina in an amount equal to 125 percent of the estimated cost of improvements. The county engineer or his/her authorized representative must validate remaining scope of work presented along with the estimated cost of improvements.

### Financial Surety Submissions

The Financial Surety Package shall be submitted directly to the Department, 2020 Hampton Street, 1<sup>st</sup> Floor, Columbia, SC 29202, Attention: Community Planning and Development - New Development. A



complete financial surety package shall include the following:

- Engineers Cost Estimate (Prepared by Engineer) Sealed and Signed. The cost estimate must include a breakdown of work to be completed to include unit cost and totals.
- Statement of Conditions (SOC) (Prepared by Developer or Representative). The SOC is the formal agreement between the County and Developer. This document will specify the terms of the agreement and specify an expiration date of the agreement. A copy of the SOC can be found in ~~Appendix S: Statement of Conditions~~ **Appendix T: Statement of Conditions**.
- Bond, Letter-of-Credit or Cashier's Check (Prepared by Bank or Insurance Company)
- Memorandum of Understanding (Prepared by Richland County). The memorandum of understanding is an agreement between the Bank/Insurance Company and the County which describes the terms of the surety agreement between the Developer and County. A copy of the memorandum can be found in ~~Appendix T: Bond Memorandum of Understanding~~ **Appendix U: Bond Memorandum of Understanding**.
- The Bonded Plat s should be submitted directly to the Department of CP&D electronically.

#### **Financial Surety Conditions**

All financial sureties shall state that the financial surety shall automatically be extended for a one-year period from the present and any future expiration dates as approved by Richland County unless at least 60 days prior to the expiration of date, the financial institution shall notify Richland County in writing by certified mail or overnight courier service that the financial institution elects not to consider the financial surety renewed for an additional period. The County will also require the bank or insurance company to sign a memorandum of understanding as it relates to the agreement between the developer and the County.

#### **Financial Surety Reductions**

Developers may apply for a reduction in the amount of the Financial Surety posted based on completed infrastructure improvements. In order to qualify for the reduction, a significant portion of any one of the following items must be installed in accordance with the approved plans: storm drainage, base, asphalt, curb and gutter, and sidewalks.

Richland County Inspectors will verify completed work certified by the developer or the developer's engineer of record. Developers should be advised that they must ensure relevant work is complete and in accordance with the approved construction plans prior to making the reduction request.

#### **Financial Surety Termination**

Financial Surety must be kept current and in effect until such time a final inspection is performed, outstanding items are addressed, and the County Engineer or his/her authorized representative have made final acceptance of the project.

Upon final acceptance of the project, the County Engineer or his/her authorized representative will release the Financial Surety instrument within three (3) days of acceptance. A certified release letter



will be sent to the developer and bank/lending institution of the release.

### **Warranty Period**

Roads and stormwater management systems that are to be dedicated to Richland County for public maintenance shall be under warranty by the developer for a period of two (2) years. The warranty period shall begin upon acceptance of the roads by Richland County. The DPW/CP&D shall maintain surveillance over the infrastructure and will provide written notification to the developer if repair work is required during the warranty period. The developer shall provide the DPW/CP&D with a timeline for the completion of the required repairs. If not completed within the approved timeline, the DPW/CP&D may correct the repairs and pursue the developer for associated cost of repair. Emergency road and/or stormwater conveyance defects that directly affect public health and safety shall be addressed immediately.

### **Financial Surety Security Period**

All Financial Security instruments shall be posted with the County Engineer or his/her authorized representative for and on behalf of the County of Richland. The initial agreement will be in effect for two (2) years, subject to conditions specified by the County and all subsequent extensions will be reviewed for eligibility to extend.

If requested by the developer, the Department, in its sole discretion, can extend the Financial Surety for a maximum of one (1) year. Prior to granting an extension, the County Engineer or his/her authorized representative shall review actual cost estimates and work to be completed to ensure that the extended security is adequate to cover the remaining work.

### **Warranty Bonds**

In the event the developer elects to dedicate easements and right-of-way to the public, a warranty bond, certified by a registered engineer, is required which will hold the construction contractor liable for any problems for a minimum of 24 months following the date of such dedication.

The amount of the bond shall be formulated as follows:

- 10 percent cost for roadway
- 10 percent cost for storm drainage
- 100 percent cost for incomplete sidewalks
- 100 percent cost for permanent stabilization

### **Warranty Bond Format**

The warranty bond shall include a warranty bond estimate formatted as follows:



**Richland County  
Warranty Bond Estimate**

Date \_\_\_\_\_

Subdivision - Phase # \_\_\_\_\_

(Lots #) \_\_\_\_\_

Engineering # \_\_\_\_\_

DESCRIPTION OF WORK/MATERIALS	QUANTITY	UNIT	UNIT PRICE (\$)	%	AMOUNT
<b>ROADWAY</b>					
Macadam Base (8")	1970	SY	\$10.75	10%	\$2,117.75
AC Black Base (2")	1970	SY	\$9.50	10%	\$1,871.50
AC Surface (1.5")	1970	SY	\$8.25	10%	\$1,625.25
Rolled Carb	1483	LF	\$8.50	10%	\$1,260.55
			<b>SUB-TOTAL</b>		<b>\$6,875.05</b>
<b>STORM DRAINAGE</b>					
15" RCP	301	LF	\$21.00	10%	\$632.10
24" RCP	229	LF	\$30.00	10%	\$687.00
Catch Basin 4 x 4	2	EA	\$2,000.00	10%	\$400.00
Junction Box 4 x 4	3	EA	\$2,000.00	10%	\$600.00
Florida Type Box	2	EA	\$325.00	10%	\$65.00
Type 9 Junction Box Tops	3	EA	\$300.00	10%	\$90.00
			<b>SUB-TOTAL</b>		<b>\$2,474.10</b>
<b>MISCELLANEOUS</b>					
Sidewalk	460	LF	\$15.00	100	\$6,900.00
			<b>SUB-TOTAL</b>		<b>\$6,900.00</b>
<b>PERMANENT STABILIZATION</b>					
Grassing	1.34	AC	\$3,000.00	100	\$4,020.00
			<b>SUB-TOTAL</b>		<b>\$4,020.00</b>
			<b>TOTAL</b>		<b>\$20,269.15</b>

**Engineering Certificate of Warranty Bond Estimate**

I hereby certify that all installed road and site improvements, storm drainage infrastructure, and pollution prevention measures that will be owned and maintained by Richland County have been designed to meet or exceed the minimum standards required by Richland County, and a bond document with surety adequate to guarantee satisfactory completion of the remaining improvements shall be provided to Richland County.

\_\_\_\_\_  
Name of Project Engineer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Definitions

**Access point.** An intersection, driveway, or any entry point on the right-hand side of a road. An entry point on the opposite side of a road or a median opening may be considered an access point, if it is expected to influence traffic flow in the direction of interest. ~~(Ord. 038-09HR; 7-21-09)~~

**Alley.** A private road primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another road, either public or private, meeting minimum county requirements.

**Americans with Disabilities Act (ADA).** A federal law enacted in 1990 to protect the civil rights of individuals with physical or mental disabilities from intentional or unintentional discrimination in housing, employment, education, access to public services and telecommunications and to ensure that persons with disabilities have equal access to same. ~~(Ord. 033-11HR; 6-21-11)~~

**Annual Average Daily Trips (AADTs).** The average 24-hour traffic volume on a given roadway segment over a 365-day period. ~~(Ord. 038-09HR; 7-21-09)~~

**Area of special flood hazard.** The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. This term also includes all wetlands within a community. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area."

**Arterial road - minor.** A SCDOT designated roadway, as depicted on their "Functional Classification Map for the Columbia Urbanized Area", that carries a mix of local and through traffic and which links collector roads, and sometimes local streets, with principal arterials. ~~(Ord. 038-09HR; 7-21-09)~~

**Arterial road - principal.** A SCDOT designated roadway, as depicted on their "Functional Classification Map for the Columbia Urbanized Area" that is primarily intended to provide traffic service between urban areas. ~~(Ord. 038-09HR; 7-21-09)~~

**Base flood or regulatory flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Best Management Practices (stormwater management).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals.

**BMPs.** Best Management Practices (stormwater management); an acronym used to describe a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals. ~~(Ord. 006-10HR; 1-19-10)~~



**BMPs Design Manual (stormwater management).** The manual of design, performance and review standards for stormwater management BMPs to be used in Richland County. The requirements established by the BMPs Design Manual are mandatory. ~~(Ord. 006-10HR; 1-19-10)~~ The “BMPs Design Manual” is synonymous with the “Land Development Manual.”

**Borrow pits.** An excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.

**C-SWPPP.** Comprehensive Stormwater Pollution Prevention Plan; an acronym used for a document that includes a narrative, drawings, and calculations to describe BMPs and activities that will be implemented to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters. The C-SWPPP must include the SWPPP, prepared according to DHEC requirements for the General Construction Permit, as well as the NOI and Engineering Report.

**Capital Improvement Plan (CIP).** A general description of all existing public facilities and their existing deficiencies within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources including existing sources of revenues related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage; and otherwise complies with the requirements of Section 6-1-960 (B) of the S.C. Code of Laws. ~~(Ord. 038-09HR; 7-21-09)~~

**Central Midlands Council of Governments (CMCOG).** An association of local governments in Fairfield, Newberry, Lexington, Richland and portions of Kershaw and Calhoun counties to address multi-jurisdictional problems and opportunities. ~~(Ord. 038-09HR; 7-21-09)~~

**Clean Water Act.** The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. §§ 1252 et seq. ~~(Ord. 006-10HR; 1-19-10)~~

**Collector Road.** A roadway which provides connection between the arterial road system and local roads as well as traffic circulation within residential, commercial and industrial areas. ~~(Ord. 038-09HR; 7-21-09)~~

**Collocate.** The act of using a single support structure and/or site by more than one (1) communication (i.e., wireless) provider.

**Common Area.** Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

**Conservation Area.** Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal measures. ~~(Ord. 035-08HR; 6-17-08)~~



**Controlled Access Zone.** The area of an intersection that requires controlled traffic movement to preserve the safety of pedestrians, drivers, and other intersection users. ~~(Ord. 018-10HR; 4-20-10)~~

**Critical Root Zone.** The minimum area beneath a tree which should be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. This area is located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree. An area on the ground and adjacent to a protected tree that encompasses a distance of one (1) foot of space for every one (1) inch of the tree DBH measured outward from the center of the tree in all directions. ~~(Ord. 055-12HR; 10-16-12)~~

**Cross-Access Easement.** An easement wherein a grantor conveys to a grantee, his/her/its heirs, successors in interest, and/or assigns, a perpetual nonexclusive easement that may include such matters as: vehicular and pedestrian access, ingress, egress; the location and amount of parking of vehicles; and/or landscaped areas; and/or any shared maintenance responsibilities. ~~(Ord. 014-10HR; 3-16-10)~~

**Cul-de-sac.** A road having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.

**Design Capacity.** The volume of annual average daily trips (AADTs) of a given roadway segment at which traffic flows with minimal delay. The design capacity is based on the geometry of the roadway segment and its functional classification. ~~(Ord. 038-09HR; 7-21-09)~~

**Designated Water Resource.** A perennial surface water body that normally flows or contains water throughout the year, except during extreme droughts. These water bodies typically have a defined channel or shoreline and support a diverse population of aquatic insects, including some with life cycles that require permanent water. Those water bodies with channels are able to sort and move channel materials.

**Developer.** Any person acting on his own behalf as a property owner, or as an agent for a property owner, who makes application for development plan approval as set forth in this chapter [Chapter 26 of the Richland County Code of Ordinances].

**Development.** Any of the following actions undertaken by a public or private individual or entity: (a) any land altering activities associated with the division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plan or deed; or (b) any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, clearing, mining, dredging, filling, grading, paving, berming, diking, excavation, or drilling operations, or storage of equipment or materials.

**Development with Open Space Design.** A development pattern that arranges the layout of buildings in a compact area of the site which reserves a portion of a site for open space preservation and is protected in perpetuity. ~~(Ord. 045-13HR; 9-10-13)~~



**DHEC.** The South Carolina Department of Health and Environmental Control.

**Drainage.** A general term applied to the outflow of water or other fluid from a given area, whether by natural means (surface water runoff) or artificial means (drains, grading, etc.).

**Drainage Channel.** Any natural or man-made conveyance for surface water, including open channels, enclosed storm sewers, streams, rivers, lakes, ponds, or marshes.

**Drainage System.** The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

**Easement.** A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes.

**Erodible soils.** Soils that can erode at excessive rates, such as Hydrologic Groups B and C. (~~Ord. 045-13HR; 9-10-13~~)

**Encroachment (floodplain overlay district standards).** The advance or progression of uses, fill, excavation, buildings, structures, or developments into a floodplain or floodway.

**Encroachment permit.** A permit issued by the County on county-maintained roadways or by SCDOT on state-maintained roadways to use a public right-of-way for any purpose. (~~Ord. 038-09HR; 7-21-09~~)

**Engineer.** A person practicing engineering and licensed in the State of South Carolina pursuant to the requirements of Section 40-22-10, et seq., of the South Carolina Code of Laws, as amended.

**Entitled Property.** Any property that, prior to January 19, 2010 has been subject to either "Permitted Development Activity" or a "Valid Government Approval." If a Permitted Development Activity or Valid Governmental Approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered Entitled Property. (~~Ord. 006-10HR; 1-19-10~~)

**Ephemeral stream.** A stream or reach of a stream that flows briefly only in direct response to precipitation in the immediate locality and whose channel is at all times higher than the water table. (~~Ord. 006-10HR; 1-19-10~~)

**Erosion.** The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice and gravity, either naturally or induced.

**Erosion and sediment control plan.** A plan which adequately describes necessary land management





practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area. This plan shall be incorporated into the Stormwater Pollution Prevention Plan (SWPPP). ~~(Ord. 006-10HR; 1-19-10)~~

**Federal Highway Administration (FWHA).** The agency that administers federal surface transportation regulations and provides funding for federal roads and MPO activities. ~~(Ord. 038-09HR; 7-21-09)~~

**FEMA.** The Federal Emergency Management Agency.

**Fill.** The placement of fill material at a specified location to bring the ground surface up to a desired elevation.

**Fill material.** Natural sands, dirt, soil and rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

**FIRM.** See "Flood Insurance Rate Map".

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM).** An official map of a community on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study.** An official report provided by FEMA. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. A Flood Insurance Study may include a study using detailed hydrologic and hydraulic analyses to model the base flood, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH and AO).

**Floodplain.** The areas adjoining a river, stream, watercourse, lake, or other body of standing water that have been or may be covered by floodwater.

**Floodplain Development Permit.** ~~A permit for approving development in the FP-O Flood Protection Overlay district. See Richland County Land Development Code Section 26-2.5(j). A document issued by the county authorizing the applicant to undertake development and related activity in a regulated floodplain.~~

**Flood Prone Area.** The area of land susceptible to being inundated by a flood (see definition of "flood").



**Floodproofing.** Design and construction of nonresidential structures and attendant utility and sanitary facilities that are watertight to at least two (2) feet above the base flood elevation. Walls are substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

**Flood Resistant Materials.** Any building material capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. The term "prolonged contact" means at least 72 hours, and the term "significant damage" means any damage requiring more than low-cost cosmetic repair (such as painting).

**Floodway.** The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Functional Classification.** An FHWA process, adopted by SCDOT and the MPO, by which roads are grouped into classes, or systems, according to the character of the service they are intended to provide. The MPO classifies roads as interstate, principal arterial, minor arterial, or collector. ~~(Ord. 038-09HR; 7-21-09)~~

**Grading.** Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled state.

**Hazardous Material.** Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, existing prior to construction, next to the proposed walls of the structure.

**Illegal Discharge.** Any activity that results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater; provided, however, this does not include: (a) discharge pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees), (b) discharges resulting from fire-fighting activities, and (c) any activity specifically addressed in this Code of Ordinances [Richland County Code of Ordinances] or by Richland County as not being significant sources of pollution. ~~(Ord. 006-10HR; 1-19-10)~~

**Illegal Dumping.** The disposal of waste in an unpermitted area or the pouring of liquid wastes or trash into stormwater drains. ~~(Ord. 006-10HR; 1-19-10)~~

**Illicit Connection.** A connection to a stormwater system that results in a discharge that is not composed entirely of stormwater run-off; provided, however, this does not include discharges pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees). ~~(Ord. 006-10HR; 1-19-10)~~



**Illicit Discharge Detection and Elimination (IDDE) Program.** The third Minimum Control Measure of the Stormwater Phase II Rule; it is a program, employing a plan that should include procedures for locating priority areas likely to have illicit discharges, procedures for tracing the source of an illicit discharge, procedures for removing the source of the discharge, and procedures for program evaluation and assessment. (~~Ord. 006-10HR; 1-19-10~~)

**Improper Disposal.** Any disposal other than through an illicit connection that results in an illegal discharge, including, but not limited to, the disposal of used oil, toxic materials or other hazardous liquids or substances resulting from the improper management of these materials. (~~Ord. 006-10HR; 1-19-10~~)

**Impede the free flow of water.** Any change to water elevation or velocity due to obstructions, diversions, or retardation, including changes to the flow characteristics of the waters of the regulatory flood as they pass both the upstream and the downstream boundaries of the property.

**Impervious Surface.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**Impervious Surface Ratio.** The ratio between the surface areas of a lot that is covered by impervious surfaces compared to the total surface area of a lot. (~~Ord. 018-10HR; 4-20-10~~)

**Improvements.** Pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drain ways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, and any other similar items required for compliance with the regulations of this chapter [Chapter 26 of the Richland County Code of Ordinances] or the conditions of approval.

**Industrial Road.** A road for which the intended use is somewhat less than that of an arterial road and somewhat greater than that of a collector road. Such roads will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

**Inflow and infiltration.** Groundwater or stormwater entering into a sanitary sewer system as a result of damaged collection lines or manholes or from direct stormwater connections, such as from catch basins or roof drains. (~~Ord. 006-10HR; 1-19-10~~)

**Infrastructure.** Facilities and services that are needed to sustain industry, residential, commercial, and all other land use activities, including water and sewer lines and other utilities, streets and roads, communications and public facilities, such as fire stations, parks, etc. (~~Ord No. 061-08HR; 10-21-08~~)

**Irrigation.** A permanent, underground watering system equipped with surface, subsurface or overhead



emitters and which provides 100 percent water coverage.

**Jurisdictional Line.** A line identified or approved by the United States Army Corp of Engineers (USACE) describing areas to be protected under the Federal Clean Water Act. ~~(Ord. 006-10HR; 1-19-10)~~

**Land.** Any ground, soil, or earth including marshes, swamps, drainage-ways and areas not permanently covered by water.

**Land Development Manual.** The Land Development Manual for Richland County, which establishes minimum standards for design and construction of site grading and land development and re-development projects within the unincorporated areas of Richland county and other municipalities as approved by the Richland County Council, and which contains the policies and procedures used by the Richland County Public Works Department and the Community Planning and Development Department. The name of this manual, which serves as a comprehensive reference for land development requirements. The "Land Development Manual" is to be considered synonymous with the "BMPs Design Manual" and "Stormwater Design Manual" as defined in the Land Development Code and in this Definitions section. The requirements are mandatory and shall be updated as often as necessary.

**Land Development Permit.** A document signed by an authorized county official, as required in this chapter [Chapter 26 of the Richland County Code of Ordinances], as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of this chapter [Chapter 26 of the Richland County Code of Ordinances] or an authorized variance therefrom.

**Land Development Review, Major.** The review of projects, exclusive of residential and commercial subdivisions, involving one (1) or more of the following: 100,000 or more square feet of nonresidential floor space; 150 or more multi-family residential units, lots or manufactured home spaces in a manufactured home district; and/or the dedication of new public road segments or the dedication to the county of land for open space or other public purposes.

**Land Development ~~Review~~ Permit, Minor.** The review of projects, exclusive of residential and commercial subdivisions, which do not meet the standards for applicability for "land development compliance review" or "major land development review," but still require approval of a land development permit. See Richland County Land Development Code Sec. 26-2.5(e)(2)b. "Land disturbance. Any activity involving the clearing, grading, transporting, filling, and/or any other activity which causes the land to be exposed to the dangers of erosion.

**Land Disturbance Permit.** A certificate issued by Richland County to perform work pursuant to an approved SWPPP prepared under the provisions of this chapter [Chapter 26 of the Richland County Code of Ordinances]. It is issued after DHEC issues coverage under an NPDES General Permit for Large and Small Construction Activities. ~~(Ord. 006-10HR; 1-19-10)~~



**Land Surveyor.** A person currently licensed pursuant to the requirements of Section 40-22-10, et. seq., of the South Carolina Code of Laws, as amended.

**Landscape Architect.** A person practicing landscape architecture and licensed in the State of South Carolina pursuant to the requirements of Section 40-28-10, et. seq., of the South Carolina Code of Laws, as amended.

**Levee.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Level of Service (LOS).** A qualitative term describing how the traffic flow on a given road segment is perceived by its users, (i.e., good conditions = A or B; tolerable conditions = C or D; and intolerable conditions = E or F). This relationship is measured by its current traffic volume to its engineering designed traffic volume ratio (v/c): ~~(Ord. 038-09HR; 7-21-09)~~

LOS A = a v/c ratio of 0.00 to 0.49	LOS D = a v/c ratio of 1.01 to 1.15
LOS B = a v/c ratio of 0.50 to 0.74	LOS E = a v/c ratio of 1.16 to 1.34
LOS C = a v/c ratio of 0.75 to 1.00	LOS F = a v/c ratio of 1.35 plus

**Local Commercial Road.** A road in a commercial area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting commercial properties and protection from through traffic.

**Local Residential Road.** A road in a residential area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than 2,000 vehicles.

**Loop Lane.** A roadway that arches away from a road and re-intersects the same road at some distance away from the "first" intersection. ~~(Ord. 055-12HR; 10-16-12)~~

**Lot.** A parcel of land clearly defined by plat or by metes and bounds description and held, or intended to be held, in separate lease or ownership.

**Lot Coverage.** A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

**Lot frontage.** That part of a lot (a lot line) abutting on a road.



**Lot width.** The distance between straight lines connecting front and rear lot lines at each side of a lot. ~~See Richland County Land Development Code Sec. 26-9.2(a)(3), measured at the required front setback, provided that the width between side lot lines at their foremost points (where they intersect with the road line) shall not be less than 80 percent of the required lot width. In the case of lots fronting on a curve or cul-de-sac, the lot width may be measured up to a distance 50 percent greater than the required front yard as defined within each zoning district classification, provided the lot width at the minimum required front yard setback is 80 percent of the minimum required yard width. The measurement shall be taken tangent to the midpoint at the setback line. Where lots are contiguous to a natural or manmade body of water, the lot width may be measured at the building site line provided all required setbacks can be met, and the lot has a minimum of 25 linear feet of public road frontage. Where lots are one (1) acre or larger, the lot width may be measured at the building site line provided all required setbacks can be met and the lot has a minimum of 50 linear feet of public road frontage.~~

**Lowest floor.** The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area, is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter [Chapter 26 of the Richland County Code of Ordinances].

**Low Impact Development (LID).** An ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. ~~(Ord. 019-08; 3-18-08)~~

**Marginal access road.** A service road that runs parallel to a higher order road, which for purposes of safe ingress and egress, provides access to abutting properties and separation of through traffic. This term shall include the term "frontage road".

**Mean sea level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter [Chapter 26 of the Richland County Code of Ordinances], the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Minor residential road.** A loop road which serves not more than 40 dwelling units or a cul-de-sac road that serves not more than 20 dwelling units, either of which carries no through traffic and is used for access to abutting residential lots.

**More intense use.** A use of greater intensity as determined by the Land Use Impact Table set forth at Section 26-176(f)(3) of this chapter [Chapter 26 of the Richland County Code of Ordinances].

**MS4.** Municipal Separate Storm Sewer System; an acronym used in the NDPES Stormwater Permit that is synonymous with stormwater system for the purposes of this chapter [Chapter 26 of the Richland County Code of Ordinances]. ~~(Ord. 006-10HR; 1-19-10)~~



**National Geodetic Vertical Datum (NGVD).** As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

**Non-linear projects.** All construction activities and projects other than utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities. ~~(Ord. 006-10HR; 1-19-10)~~

**Non-stormwater discharge.** Any discharge to the stormwater system that is not comprised entirely of stormwater. ~~(Ord. 006-10HR; 1-19-10)~~

**NPDES.** National Pollutant Discharge Elimination System; an acronym used to describe the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under §§ 307, 402, 318, and 405 of the federal Clean Water Act. ~~(Ord. 006-10HR; 1-19-10)~~

**NPDES Stormwater Permit.** The permit issued by DHEC under the primacy authority from the U.S. Environmental Protection Agency (EPA) that authorizes the discharge of pollutants, in this case stormwater, to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. ~~(Ord. 006-10HR; 1-19-10)~~

**One-hundred-year rainfall.** A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years.

**On-site stormwater management.** The design and construction of a stormwater management facility within and for a single development.

**Open space.** Land areas that are not occupied by buildings, structures, impermeable areas, streets, alleys, or required buffer transition and street protective yards. ~~An area that is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, walkways, active and passive recreation areas, playgrounds, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.~~

**Open stormwater conveyance.** A permanent, designed waterway, shaped, sized, and lined with appropriate vegetation or structural material used to safely convey stormwater runoff within or away from developing areas. ~~(Ord. 006-10HR; 1-19-10)~~

**Parking, off-road.** Space occupied by automobiles for parking on premises other than roads.

**Pedestrian walkway.** A marked path for pedestrian traffic.



**Pedestrian zone.** An area where cars are prohibited, such as sidewalks, bikeways, trails, lawns, and landscaped areas. (~~Ord. 088-08HR; 12-16-08~~)

**Performance bond.** A document issued by a surety, in return for a fee or premium, guaranteeing the performance of the terms and conditions of development approval.

**Permitted Development Activity.** The property owner has commenced construction of a building or of any portion of a potable water distribution or transportation system, a sanitary sewer distribution or transportation system, a storm drainage system or a public road; or the property owner has commenced grading or other land disturbance activities in conformance with valid permits issued by Richland County. (~~Ord. 006-10HR; 1-19-10~~)

**Planning department.** The Richland County Department of Community Planning and Development.

**Planting strip.** A strip of land intended to be planted with trees, shrubs, or other vegetation to separate a sidewalk from adjacent curbs or the edge of interior street pavement. (~~Ord. 033-11HR; 6-21-11~~)

**Plat.** A map, or delineated representation of the subdivision of lands, prepared by a surveyor licensed in South Carolina, being a complete and exact representation of the subdivision or parcel and including other information, which is in compliance with all the relevant requirements of this chapter [Chapter 26 of the Richland County Code of Ordinances] and other county statutes, laws, and regulations.

**Plat, final.** A set of drawings, and other documentation, prepared in compliance with the requirements of this chapter [Chapter 26 of the Richland County Code of Ordinances] and that are presented for final approval and recordation by the county.

**PM Peak Hour (PMPH).** The estimated average hourly traffic volume on a given roadway segment between 4:00 PM and 6:00 PM. (~~Ord. 038-09HR; 7-21-09~~)

**Pollutant.** Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (e.g., the measure of acidity or basicity of a solution (pH), temperature, Total Suspended Solids (TSS), turbidity, color, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), toxicity, or odor). A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use. (~~Ord. 006-10HR; 1-19-10~~)

**Post-development.** Land surface conditions as changed due to development.

**Pre-development.** Natural or existing land surface conditions prior to proposed development.





**Primary drainage channel.** A drainage channel, stream, or creek draining an area of 300 acres or more.

**Private roadway.** An area of land that is privately owned, provides vehicular access to residential lots, and has not been dedicated; or a private right-of-way created by recorded easement, or other instrument, where no recording has taken place, or no right of interest has accrued to the public and has not been designated as part of the county road maintenance system. ~~(Ord. 022-10HR; 5-18-10)~~

**Public works department.** The Richland County Department of Public Works.

**Regulatory floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot, as identified on an official Flood Insurance Rate Map or other available information.

**Retention structure.** A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

**Road.** An open way designed for the operation of vehicles, including, but not limited to, streets, avenues, boulevards, highways, freeways, lanes, and/or courts. This definition shall not include driveways or ingress/egress easements.

**Road frontage.** The distance for which a lot line of a lot adjoins a public road, from one lot line intersecting said road to the furthest distance lot line intersecting the same road.

**Road, half.** A street or road that is intended to be developed by constructing one-half (1/2) of a required width of a road with the remainder to be provided at some future date.

**Road, main.** The main entrance(s) to a Conservation subdivision, which collects traffic from internal park roads, connecting to arterial roads external to the subdivision. ~~(Ord. 035-08HR; 6-17-08)~~

**Road, minor rural.** A road serving 20 or fewer lots in low density, primarily rural areas, and which does not provide connectivity to properties other than those served. ~~(Ord. 055-12HR; 10-16-12)~~

**Road, park.** A one-way road within a residential subdivision. ~~(Ord. 055-12HR; 10-16-12)~~

**Road, rural.** A road serving development in low density, primarily rural areas, and which would not be classified as a collector or an arterial road. ~~(Ord. 055-12HR; 10-16-12)~~

**Road, T.** A road that ends in a T shape; also known as a hammer head road. ~~(Ord. 055-12HR; 10-16-12)~~

**Runoff.** The portion of the precipitation on the land that reaches the drainage system.



**Safe access.** The minimum number of access points, direct or indirect, necessary to provide safe ingress and egress to the state and local road system in consideration of the existing, and projected, traffic volume and the type and density/intensity of adjacent land uses. (~~Ord. 038-09HR; 7-21-09~~)

**Sedimentation.** The process which operates at or near the surfaces of the ground, to deposit soil, debris, and other materials either on other ground surfaces or in water channels.

**Seepage.** Percolation of underground water through the banks and into a stream or other body of water, or into or out of a sewer. (~~Ord. 006-10HR; 1-19-10~~)

**Sign, road or street.** A sign placed at a roadway intersection that indicates the road name and block number. (~~Ord. 022-10HR; 5-18-10~~)

**Sketch plan.** A sketch preliminary plat or site plan to enable the developer/subdivider to save time and expense in reaching a general agreement with authorized officials of Richland County as to the form of the plat or plan and the objectives of this chapter [Chapter 26 of the Richland County Code of Ordinances].

**South Carolina Department of Transportation (SCDOT).** The State agency responsible for maintaining state and federal roads and administering distribution of the state and federal gas tax funds. (~~Ord. 038-09HR; 7-21-09~~)

**Start of construction.** The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (~~Ord. 060-10; 9-28-10~~)

**Stormwater.** Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation. (~~Ord. 006-10HR; 1-19-10~~)

**Stormwater Design Manual.** The manual of design, performance and review standards for stormwater management, prepared under the direction of the county engineer, with input from stakeholders. The requirements established by the "Stormwater Design Manual" are mandatory, and shall be updated as



often as necessary. ~~(Ord. 006-10HR; 1-19-10)~~ The “Stormwater Design Manual” is synonymous with the “Land Development Manual.”

**Stormwater management.** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

**Stormwater management facilities.** Structures and man-made features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative and/or structural measures, to control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

**Stormwater outfall.** The point at which a stormwater system discharges to the receiving waters. ~~(Ord. 006-10HR; 1-19-10)~~

**Stormwater runoff.** The direct response of a watershed to precipitation, including surface and subsurface flows, resulting from precipitation.

**Stormwater system.** The publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, basins, drainage channels, or other drainage structures. ~~(Ord. 006-10HR; 1-19-10)~~

**Subdivision.** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development. The definition of subdivision includes:

- (a) All division of land involving a new road or change in existing roads.
- (b) Re-subdivision involving a further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
- (c) The alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law.
- (d) Combinations of recorded lots.

**Subdivision, Exempt.** The following exceptions are included within this definition only for the purpose of requiring that Richland County have a record of these subdivisions:

- (a) ~~(a)~~ — The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter [Chapter 26 of the Richland County Code of Ordinances].
- (b) The division of land into parcels of five (5) acres or more where no new road is involved and plats of these exceptions must be received as information by the Richland County Department of Planning and Development Services.

~~(c)~~ (c) — The combination or recombination of entire lots of record where no new road or change in existing roads is involved.



**Subdivision, major.** Any subdivision that does not meet the criteria for an administrative subdivision exception (see subdivision definition) or a minor subdivision. (~~Ord. No. 074-05HR; 10-18-05~~)

**Subdivision, minor.** Those divisions of land that do not qualify for administrative subdivision review, but which consist of less than 50 lots. Additionally, a minor subdivision shall not involve the dedication of land to the county for open space or other public purposes. (~~Ord. No. 074-05HR; 10-18-05~~) and (~~Ord. No. 031-06; 4-18-06~~)

**SWPPP.** Stormwater Pollution Prevention Plan; an acronym used for a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. (~~Ord. 006-10HR; 1-19-10~~)

**Technical representative.** South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor responsible for sealing stormwater management plans.

**Ten-year frequency rainfall.** A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years.

**Thoroughfare road.** Interstates, other freeways, expressways or major roads that provide for the expeditious movement of high volumes of traffic within the county.

**TMDL.** Total Maximum Daily Load; an acronym used to describe the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. (~~Ord. 006-10HR; 1-19-10~~)

**Top of bank.** The elevation of the uppermost point on the rise of land which borders of a water resource such as a river, creek, or lake.

**Traditional Neighborhood Design.** A planning concept that calls for residential neighborhoods to be designed in the format of a small, village-type atmosphere within neighborhoods. These are characterized by homes and buildings on smaller lots, narrow front yards with front porches and gardens, detached garages in the backyard, walkable streets (sidewalks), public parks, and green spaces. (~~Ord. 005-09HR; 2-17-09~~)

**Traffic Impact Assessment (TIA).** A document which analyzes the transportation impacts of proposed land development projects on the adjacent roadways, nearby intersections, and affected property



owners and provides recommended mitigation measures to address the identified impacts. (~~Ord. 038-09HR; 7-21-09~~)

**Traffic mitigation agreement.** A written agreement among Richland County, SCDOT and the applicant to allow the LOS mitigation measures identified in the TIA to be provided in a timely manner. At a minimum, the agreement shall include: (~~Ord. 038-09HR; 7-21-09~~)

- 1) A specific list of the required mitigation measures and preliminary cost estimates,
- 2) A timetable by which the improvements will be phased and/or completed,
- 3) A proportionate cost sharing agreement for such improvements,
- 4) A designation of the party, or parties, responsible to ensure the recommended improvement is completed in a timely manner; and
- 5) Any other such matters as may be appropriate to the specific agreement.

**Twenty-five-year frequency rainfall.** A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years.

**USACE.** The United States Army Corp of Engineers. (~~Ord. 006-10HR; 1-19-10~~)

**Utilities.** Electricity, gas, steam, communications, transportation, wastewater, or water that is furnished to the public under state or county regulations by a person, firm, corporation, municipal department, or board. (~~Ord. 061-08HR; 10-21-08~~)

**Valid Governmental Approval.** The issuance by Richland County of a permit to commence a Permitted Development Activity; or approval by Richland County of subdivision of the property, of planned development district zoning for the property, or of a sketch plan for development of the property. (~~Ord. 006-10HR; 1-19-10~~)

**Vegetation.** All plant growth, including trees, shrubs, grasses, and mosses.

**Vision clearance.** An area of unobstructed vision at road intersections or intersections between roads and driveways.

**Water quality.** Those characteristics of stormwater runoff that relate to the physical, chemical, biological, and radiological integrity of water.

**Water quality protection areas.** The areas that come under the current DHEC 303 (d) list, are TMDL sites, or are EP Environmental Protection Districts identified by Richland County Council, and any other areas that are identified by DHEC or Richland County Council. (~~Ord. 006-10HR; 1-19-10~~)

**Waters.** For the purpose of identifying NPDES stormwater permit "point discharges", waters means surface water, within Richland County's jurisdictional boundaries as identified on USGS 1:24,000 scale quadrangle sheets.



**Waters of the state.** Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2 "Definitions", or latest update.

**Watershed.** The land area that drains to one stream, lake, or river and affects the water quality in that waterbody~~The drainage area contributing stormwater runoff to a single point.~~

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

## Richland County Council Request for Action

**Subject:**

Department of Public Works - Solid Waste - Drop-Off Center Hours of Operation

**Notes:**

June 25, 2024 – The Development & Services Committee recommends adjusting the hours of operation at Lower Richland Boulevard and Clemson Road drop-off centers.



### Agenda Briefing

Prepared by:	Michael Maloney, P.E.	Title:	Director
Department:	Public Works	Division:	Solid Waste & Recycling
Date Prepared:	May 1, 2024	Meeting Date:	June 25, 2024
Legal Review	Patrick Wright via email	Date:	June 13, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 10, 2024
Finance Review	Stacey Hamm via email	Date:	June 7, 2024
Approved for consideration:		Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM
Meeting/Committee	Development & Services		
Subject	Hours of Operation for Lower Richland Drop-off Center and Clemson Road Drop-off Center		

#### RECOMMENDED/REQUESTED ACTION:

Staff recommends adjusting the hours of operation at Lower Richland Boulevard and Clemson Road drop-off centers to be the same.

Request for Council Reconsideration: ☒ Yes

#### FIDUCIARY:

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

#### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact.

#### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

There are no legal concerns regarding this matter.

#### REGULATORY COMPLIANCE:

Not applicable.

#### MOTION OF ORIGIN:

There is no associated Council motion of origin.



## STRATEGIC & GENERATIVE DISCUSSION:

Solid Waste and Recycling is recommending a change in the operating schedule and hours at the Lower Richland Drop-Off Center and the Clemson Road Recycling Site to address a number of concerns that include, but not limited to, the following:

1. There are no vendor services or landfill access available on Sunday to transport and dispose of waste.
2. Inconsistencies in scheduled operating hours at drop off facilities cause confusion for residents. Currently, the weekday schedule at the Lower Richland Drop-off site is 8am-5pm; the Clemson Road Recycling Site is 9am-6pm. The weekend schedule is scattered/abbreviated at one facility, but not the other.
3. Current operating hours do not allow for the 37.5 county work week, creating ongoing coverage issues with limited staffing at each location. Clemson Road currently operates 45 hours weekly, forcing staff to work overtime weekly; whereas, the Lower Richland Drop-Off Center falls short due to the abbreviated Sunday hours.
4. Employee relations and staff retention has become a great concern because the Drop-Off Center attendants have to work every weekend and that most holidays fall on the weekends. Additionally, the current operating schedule does not provide staff an alternative "weekend" with two consecutive days off.
5. With growth in northeast Columbia and increased traffic on Clemson Road during the morning and evening commutes, access to the Recycling Site across from Sandhills Shopping Center is very difficult during peak traffic times. Limited usage is reported at the end of the day, though residents wait or leave debris at the gate before the site is open.

Solid Waste and Recycling staff have reviewed daily logs for both sites, including daily and hourly car counts, to determine the most efficient and user-friendly schedule for the residents of Richland County, and provide the most effective use of staffing and resources. The proposed below offers consistent schedules at both sites, adjusted hours of operations and Sunday/Monday closures ("weekend") to address the concerns mentioned above.

If approved, Solid Waste and Recycling will coordinate with the Public Information Office to communicate the changes on all available media platforms and update the website. Staff will also post signs at each site at least 45 days in advance of any changes and provide printed schedules to the County's residents utilizing the sites to inform them of the updated schedule.

### *Proposed Schedule*

#### **Lower Richland Drop Off Center:**

	<b>Current</b>	<b>Proposed</b>
<b>Hours of operation</b>	40.5 hours per week	42.5 hours per week
<b>Monday</b>	8:00 am to 5:00 pm	closed
<b>Tuesday</b>	closed	8:00 am-4:30 pm
<b>Wednesday</b>	8:00 am-5:00 pm	8:00 am-4:30 pm
<b>Thursday</b>	closed	8:00 am-4:30 pm
<b>Friday</b>	8:00 am-5:00 pm	8:00 am-4:30 pm
<b>Saturday</b>	8:00 am-5:00 pm	8:00 am- 4:30 pm
<b>Sunday</b>	12:30 pm-5:00 pm	closed

#### **Clemson Road Recycle Site:**

	<b>Current</b>	<b>Proposed</b>
<b>Hours of operation</b>	45 hours per week	42.5 hours per week
<b>Monday</b>	closed	closed
<b>Tuesday</b>	9:00 am-6:00 pm	8:00 am-4:30 pm
<b>Wednesday</b>	9:00 am-6:00 pm	8:00 am-4:30 pm
<b>Thursday</b>	9:00 am-6:00 pm	8:00 am-4:30 pm
<b>Friday</b>	9:00 am-6:00 pm	8:00 am-4:30 pm
<b>Saturday</b>	9:00 am-6:00 pm	8:00 am-4:30 pm
<b>Sunday</b>	closed	closed

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

- Goal 3: Commit to Fiscal Responsibility
  - Objective 3.2: Establish process to prioritize initiative to align with available resources. - This use of resources makes the open times of the facility easier for residents to remember.
- Goal4: Plan for Growth through inclusive and equitable infrastructure,
  - Objective 4.3 Create Excellent Facilities - This facility needs to be aligned with open times of places to take the materials.

## Richland County Council Request for Action

**Subject:**

Utilities - Southeast Sewer Master Plan

**Notes:**

June 25, 2024 – The Development & Services Committee recommends Council approve the Southeast Sewer Master Plan.

**Agenda Briefing**

Prepared by:	Bill Davis	Title:	Director
Department:	Utilities	Division:	Administration
Date Prepared:	April 1, 2024	Meeting Date:	June 25, 2024
Legal Review	Patrick Wright via email	Date:	May 23, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 13, 2024
Finance Review	Stacey Hamm via email	Date:	June 17, 2024
Approved for consideration:		Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM
Meeting/Committee	Development & Services		
Subject	Southeast Sewer Master Plan		

**RECOMMENDED/REQUESTED ACTION:**

Richland County Utilities (RCU) requests County Council's approval of the Southeast Sewer Master Plan.

Request for Council Reconsideration: ☒ Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

Approval of the plan itself does not have an anticipated fiscal impact; however, staff has developed a cost estimate of \$100,000,000 which covers the projected projects over the next five years for the following:

Gravity lines	\$16,000,000
Lower Richland Pump Station to Wastewater Treatment Plant 24-in force main	\$34,000,000
Proposed Lower Richland Pump Station	\$10,000,000
Wastewater Treatment Plant expansion to 5MGD	\$30,000,000
Miscellaneous contingencies	\$10,000,000

*Applicable department/grant key and object codes:* not applicable

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Not applicable.

#### **MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

The Utilities Department requests approval of Southeast Sewer Master Plan. In alignment with Richland County's comprehensive strategic plan, the Southeast Sewer Master Plan identifies a plan for next 20 years of existing development connections and projected growth in the Richland County Utilities service area.

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

- Strategic Goal 5: Plan for Growth through Inclusive and Equitable Infrastructure
- Objective 5.1: Establish plans and success metrics that enable smart growth
- Objective 5.2: Coordinate departments to prepare for planned growth in areas by providing water, sewer, and roads in proper locations
- Objective 5.3: Create excellent amenities and facilities
- Objective 5.4: Provide equitable living and housing options

#### **ADDITIONAL COMMENTS FOR CONSIDERATION:**

The requested action falls under RCU's Key Performance Indicator (KPI) #2: Develop Master Plans for Utilities Department Facilities and Water and Sewer Services.

#### **ATTACHMENTS:**

1. RCU Southeast Sewer Master Plan - Final 2024-03-26

# Southeast Sewer Master Plan

Richland County Utilities

March 2024



# UTILITIES

**Prepared for:**

Richland County Utilities  
7525 Broad River Road  
Irmo, SC 29063

**Prepared by:**

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**Date Finalized:**

March 26, 2024

Project Number: 60656742

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## Table of Contents

Executive Summary .....	4
1. Introduction.....	6
1.1 Background .....	6
1.2 Purpose .....	7
2. Existing Resources .....	8
2.1 Existing Wastewater Systems .....	8
3. Projection of Resource Needs.....	11
3.1 Population Projections .....	11
3.2 Projected Resource Needs .....	14
4. Recommendations.....	18
4.1 Wastewater.....	18
5. Funding Options .....	21
References.....	23

## APPENDIX A – FLOW PROJECTIONS



## Executive Summary

Richland County surrounds the City of Columbia, the state capital. Richland County has ranked consistently as one of the fastest growing areas in the state. Since Richland County provides wastewater services to portions of the County, it is important for the County to plan in order to be able to provide adequate wastewater systems to support potential growth. The resources required to effectively operate these systems will need to be developed to maintain a high quality of life for the residents of the County.

Richland County retained the services of AECOM to assist in the update of the County's Southeast Sewer Master Plan documents. This Southeast Sewer Master Plan will aid County Council in planning wastewater infrastructure for the next twenty years. This report documents the work, findings, and recommendations developed as part of this planning process. An overview of each Section in the report is provided in this Executive Summary.

### INTRODUCTION

Richland County Council wishes to establish a positive direction in meeting the sewer needs of its citizens. In addition the County would like to promote the best options for continuing to maintain existing services, regionalization of public facilities and identify areas still in need of wastewater service.

This Master Plan provides a foundation towards understanding the future wastewater needs of the County. These goals are incorporated into the scope and approach that has been used in preparing the plan.

### EXISTING RESOURCES

The objective of this task is to develop an inventory of the existing capacity in southeast Richland County for disposal of treated wastewater as well as the spatial distribution of this capacity throughout southeast Richland County.

**Wastewater System.** For wastewater treatment and disposal, there are two types of wastewater systems: collection/treatment and collection only. The permitted wastewater discharge capacity for the Eastover WWTP is currently 0.75 MGD, while the average flow is 0.5 MGD (or 67% of the discharge capacity available). The Eastover WWTP has been expanded to 1.2 MGD with an additional expansion to 2.5 MGD being permitted and designed.

### PROJECTION OF RESOURCE NEEDS

Projected wastewater flows incorporate estimates of population growth as well as commercial and industrial growth. Population projections indicate that the highest rate of growth for Southeast Richland County will be in the western portion of the service area adjacent to the City of Columbia service area with continued growth along the Garner's Ferry corridor.

The existing resources and assets were compared with the projected needs to identify potential deficits and determine what additional needs will be required to meet the projected growth.

Future wastewater flow projections are based upon population estimates, population densities, zoned commercial acreage, industrial growth, and trends along major corridors. These projections have been compiled in five-year segments up to twenty years.

## **RECOMMENDATIONS**

Based upon findings from the previous sections, recommendations are provided to address the potential to serve the areas of unincorporated Richland County that currently are not served over the planning period. These recommendations have been categorized as short-term (0 – 5 years), intermediate (5 – 10 years) or long-term (> 10 years). Only the short-term recommendations are provided in this summary. Full recommendations are provided in Section 4.

## **CONCLUSION**

The recommendations from this study are provided as guidance to assist RCU in planning for the wastewater needs of its customers and the residents of unincorporated southeast Richland County. As with most planning documents, the recommendations provided for this report are based upon assumptions of future activities and events. Although these assumptions have been formulated using best available historic information and data, the accuracy of projections are subject to the reality of future events. Due to the inverse relationship between time and the accuracy of projections, we recommend that the underlying assumptions for this plan be reviewed periodically (2 to 3 years) and adjustments made accordingly. Actual flows and growth trends should be compared to the assumptions utilized in this master plan to ensure wastewater projects are designed to accommodate future wastewater flows.

# 1. Introduction

Richland County is a municipality that provides water and wastewater services to portions of Richland County. Richland County retained the services of AECOM to assist in the update of the County's Sewer Master Plan documents. This Southeast Sewer Master Plan will aid County Council in planning sewer infrastructure in Southeast Richland County for the next twenty years. This section of the Master Plan provides background information regarding resources in southeast Richland County.

## 1.1 Background

Richland County is located in the center of South Carolina and covers a total area of 756 square miles. The County surrounds the City of Columbia, the state capital. Richland County was established in 1785 and is home to over 384,000 residents. Richland County has ranked consistently as one of the fastest growing areas in the state. Historically, the County has experienced continuous growth, with average annual population increases greater than 1% (1950 – 2010). There was slower growth between 1980 and 1990, but the County's growth rate has continued to increase as illustrated in Table 1.1.

**Table 1.1 – Richland County Historical Population Growth**

Year	1950	1960	1970	1980	1990	2000	2010	2020
<b>Population</b>	142,565	200,102	233,868	269,735	285,720	320,677	384,504	416,147
<b>% Growth</b>		40.4%	16.9%	15.3%	5.9%	12.2%	19.9%	8.2%

Portions of the County have grown faster than some while others have the potential to grow. The northwest portion of the County (near Irmo and Chapin) and the northeast portion of the County (near Blythewood) have been the growth areas in recent years. Although, the southeast portion of Richland County has begun to see increase in corridor growth, and there are large available tracts of land available in this portion of the county for residential growth. As the population in the County increases, the need for access to sewer services also increases.

## Sewer Utility Services

In southeast Richland County, RCU is responsible for the operation and maintenance of a wastewater collection system, and the Eastover Wastewater Treatment Plant (WWTP).

**Wastewater Collection and Treatment.** The main wastewater providers in southeast Richland County include:

- RCU
- City of Columbia
- Town of Eastover (collection only)

- Fort Jackson (collection only)
- McCrady SC National Guard (collection only)
- McEntire Air National Guard (collection only)

There are a few small treatment plants with NPDES discharges in southeast Richland County, but they are not included in the above list of providers.

## 1.2 Purpose

Richland County Council wishes to establish a positive direction in meeting the sewer needs in unincorporated Richland County. In addition, the County would like to promote the best options for continuing to maintain existing services, regionalization of public facilities and identify areas still in need of service.

This Master Plan provides a foundation towards understanding the future wastewater needs of southeast Richland County.

## 2. Existing Resources

The existing infrastructure for wastewater systems in southeast Richland County was reviewed to provide an assessment of the location and current capacity available for wastewater management. Wastewater system components include:

- Collection system assets comprising of gravity infrastructure, pump stations, and force mains.
- Wastewater treatment.

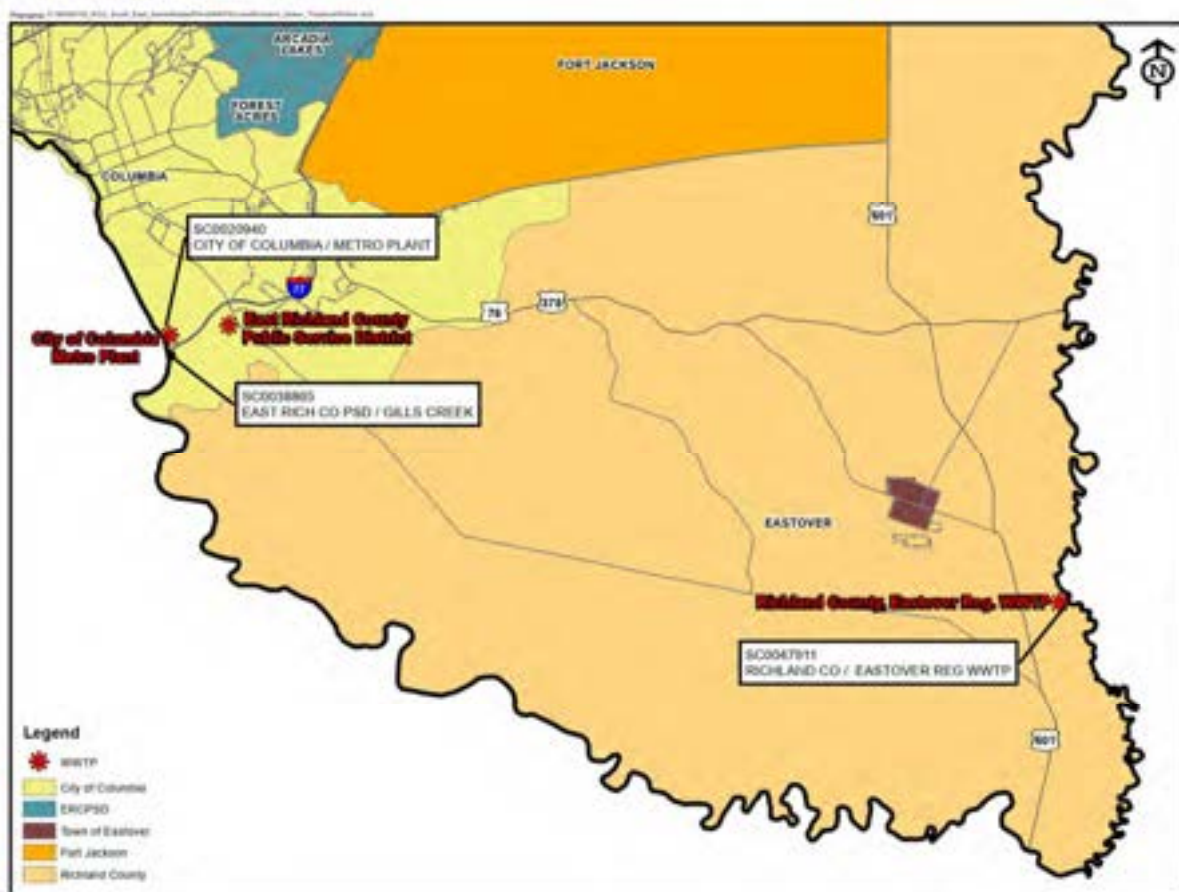
### 2.1 Existing Wastewater Systems

Within southeast Richland County there are two types of wastewater systems:

- **Collection and Treatment**
  - RCU
  - City of Columbia
- **Collection Only**
  - Town of Eastover
  - Fort Jackson
  - McCrady SC National Guard
  - McEntire Air National Guard

Typically, the capacity of a wastewater treatment system depends upon the physical treatment plant as well as the ability of the receiving stream to accept a discharge of treated wastewater. There is only one municipal wastewater treatment plant (Eastover WWTP) in southeast Richland County as illustrated in Figure 2.1.

As indicated in Table 2.1, the wastewater capacity for the Eastover WWTP serving southeast Richland County is 0.75 MGD. Currently approximately 67% of the available wastewater capacity is currently being used. RCU upgraded the Eastover WWTP to 1.2 MGD, and RCU is awaiting an NPDES permit update. The expansion to 2.5 MGD is currently being designed and permitted as well.

**Figure 2.1 – Wastewater Systems in Southeastern Richland County****Table 2.1 – RCU Wastewater Capacity in Southeast Richland County**

Wastewater System <sup>(1)</sup>	Discharge Capacity (MGD)	Average Flow (MGD)	Discharge Location
RCU Lower Richland WWTP	0.75	0.50	Wateree River
<b>Total</b>	<b>0.75</b>	<b>0.50</b>	

(1) There are also numerous small permitted treatment plants that serve single subdivisions or schools in Richland County. These are not included since they would not have the potential to serve additional growth.

## ***Richland County Utilities - RCU***

RCU owns and operates a wastewater treatment and collection system including the Eastover WWTP. As seen in Figure 2.2, RCU serves the Town of Eastover, customers along Garners Ferry Road and Congaree Road in addition to development adjacent to the City of Columbia's service area in lower Richland County. RCU has also taken over treating of the wastewater from McEntire

Joint National Guard Base and three Richland School District One schools. In addition, RCU is also treating Franklin Park wastewater at their Eastover WWTP facility.

**Collection.** RCU conveys and treats wastewater from lower Richland County, Town of Eastover and McEntire Air National Guard, and McCrady SC National Guard at the Eastover WWTP.

**Treatment Capacity.** The Eastover WWTP is an activated sludge aeration treatment plant. Wastewater is screened prior to biological treatment. The effluent is disinfected with liquid sodium hypochlorite followed by dechlorination with sulfur dioxide. Wasted sludge is dewatered with a belt press and disposed of at the landfill. Figure 2.2 illustrates the location of the Eastover WWTP.

**Discharge.** The Eastover WWTP discharges into the Wateree River under NPDES permit SC0047911.

**Figure 2.2 – Existing RCU Wastewater Sewer System in Southeast Richland County**



### 3. Projection of Resource Needs

The challenge for projecting resource needs is not only to determine the change in overall County needs on a temporal basis (growth over time), but also to determine how to provide for these needs on a spatial basis (where the growth will occur). For utility services, this exercise is further complicated by the existence of unique service providers that have varied and limited resources.

Many factors can influence the growth of utility services for wastewater. Growth and expansion of utility systems can be related to population growth and / or economic expansion, especially in situations where the growth occurs in or near an existing utility system.

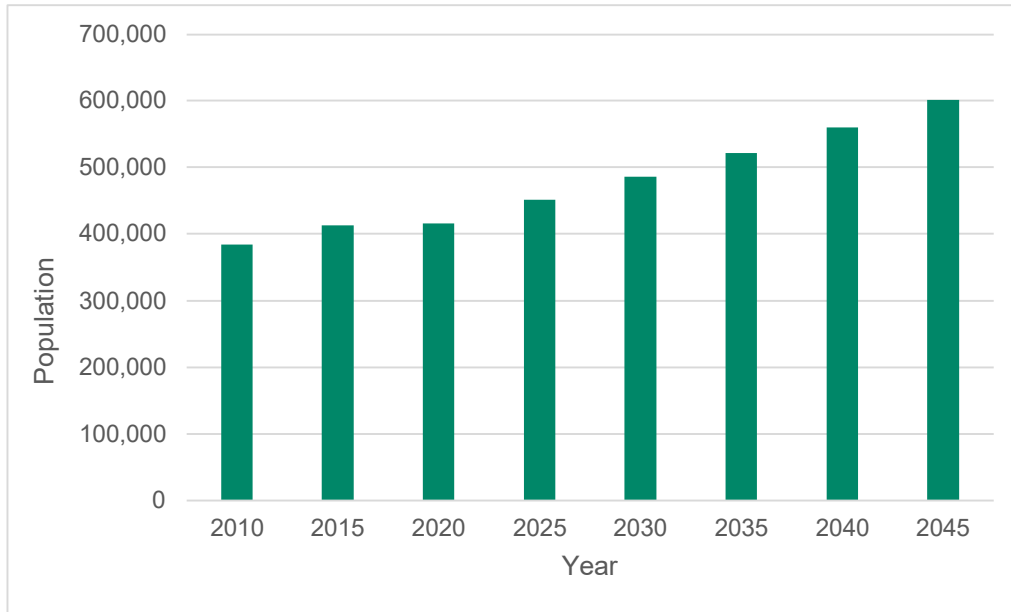
As these services grow, increasing demand is placed upon the resources needed to provide these services. Estimates of the number of customers or persons served by a particular utility can provide useful information regarding unit rates of consumption of services which can be used to project future demand on resources.

Typical user classes or customer types used to categorize projected needs include residential, commercial, and industrial. For this report, projections of population growth have been used as a baseline parameter to estimate future resource needs. Spatial distribution of projected growth has been based upon census block group data. Census data is comprised of tracts which are broken down into block groups.

#### 3.1 Population Projections

The approach used in this report to project population growth begins with existing published data projections (US 2020 Census, SC Bureau of Research and Statistics). Several different methods of projecting the County's population were evaluated including projections from the SC Office of Research and Statistics, the 50-year Richland County average growth rate, the state of South Carolina growth rate, and the Central Midlands Council of Governments (COG) projections. The Central Midlands COG projections were used to the end of the planning period (2045). Figure 3.1 indicates the estimated County-wide growth projections through the planning period.



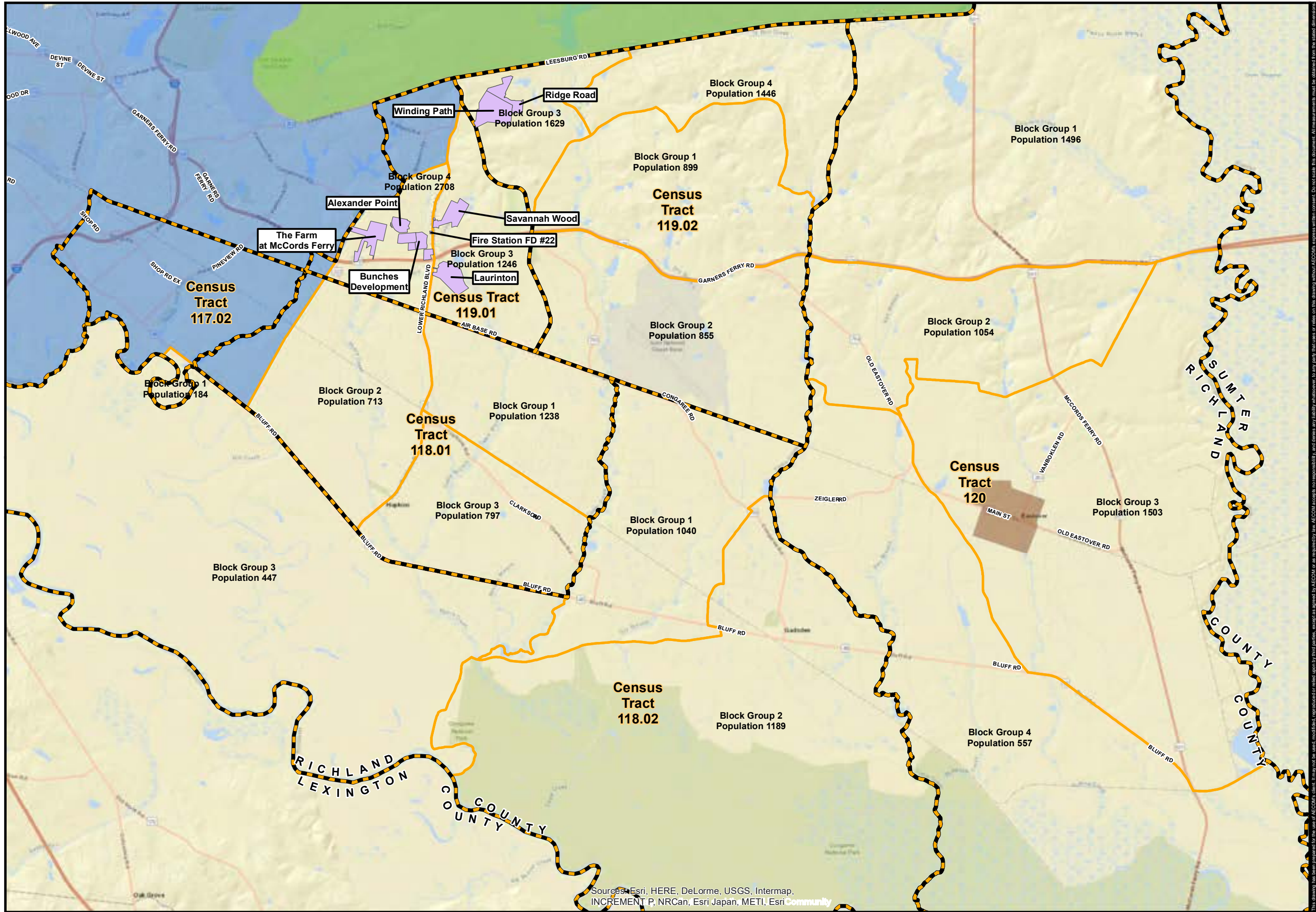


**Figure 3.1 - Projected Population Growth for Richland County through 2045**

Based upon these projections, the County population is estimated to grow at approximately 45% over the planning period which equates to a total population increase of 185,078 people over the planning period. In order to distribute the projected population, data from the Central Midlands Region Population Projection Report was utilized in conjunction with potential developments that RCU has received capacity requests from developers.

Figure 3.2 illustrates the proposed developments that have requested wastewater service in southeast Richland County. As illustrated the growth areas in the short-term correlate to the areas illustrated in Figure 3.2 where development is expected to occur.

Because the assumptions used to make the population projections and growth areas could change over time, it is recommended that RCU review the actual growth patterns in the County on a periodic basis (2 to 3 years). Based upon this review, RCU should update the population projections and resulting future resource needs every five to ten years. This will allow RCU to identify and plan for changes or any new trends in growth.



## 3.2 Projected Resource Needs

Prior to developing projected needs, existing conditions were documented. These conditions include residential population for the existing wastewater service area as well as existing flows. Future conditions are calculated based upon residential population for the wastewater service area. Future wastewater flow projections are based upon population estimates, population densities, and industrial growth. These projections have been compiled in five-year segments up to twenty years.

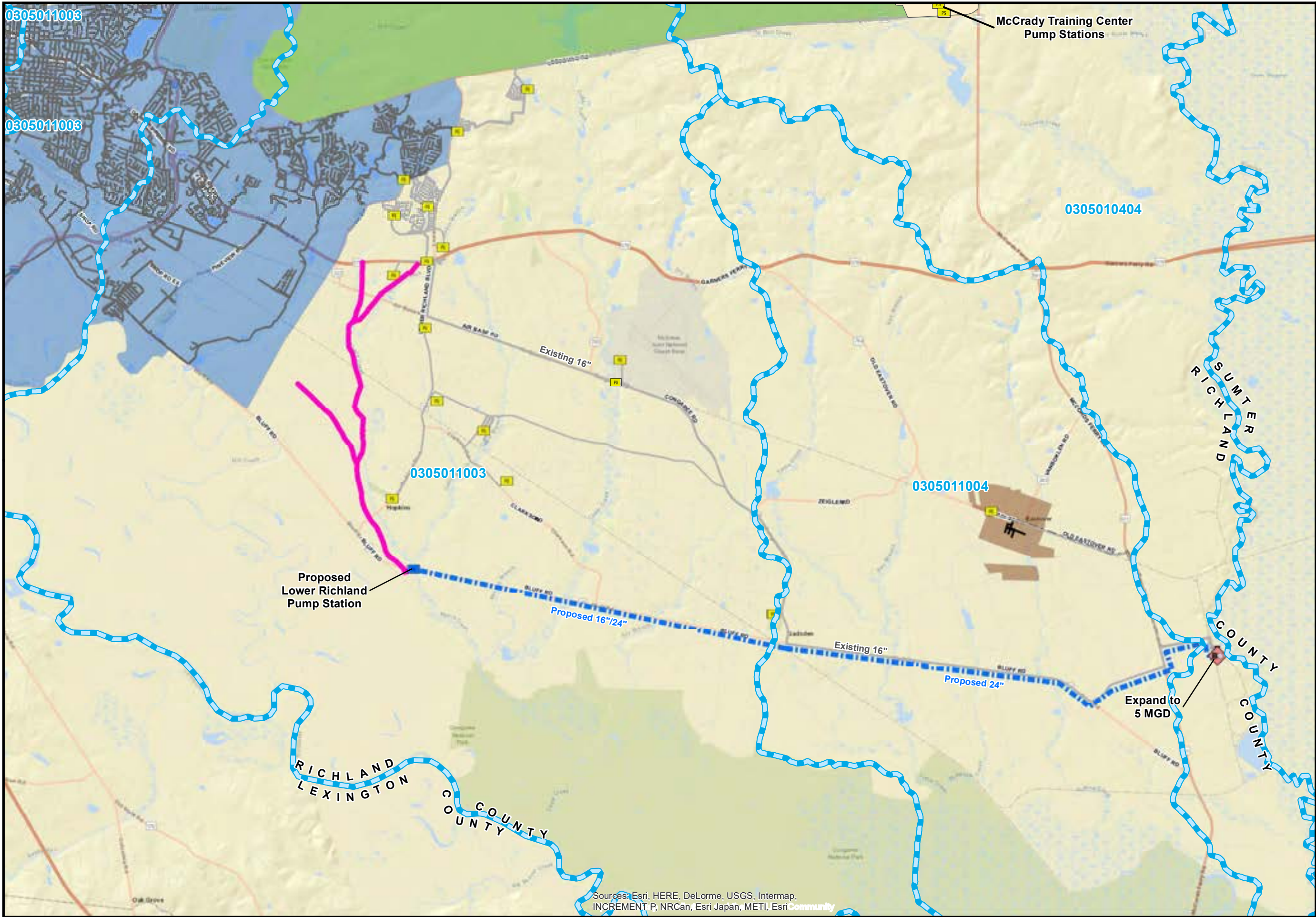
### ***Wastewater Flows***

In developing projected wastewater flows for southeast Richland County, estimates are made by user category (residential, commercial, and industrial), then added together to provide an overall estimate of future flows. For the area to be served by the short-term improvements which is adjacent to the City of Columbia service area as illustrated in Figure 3.3, the Richland County Planning Department provided the potential density based on zoning that would accommodate residential development and the potential number of REUs were calculated. 300 gpd per REU was utilized to calculate the potential wastewater flow from the residential development. Using these calculations, it was determined that 250 gpd/acre could be utilized to determine potential residential wastewater flows in the area served by the short-term improvements.

For the area to be served by the intermediate and long-term improvements which includes areas south of Fort Jackson east to the Wateree River and south to Bluff Road as illustrated in Figures 3.4 and 3.5, it was determined that 125 gpd/acre could be utilized to determine potential residential wastewater flows in the area served by the intermediate and long-term improvements. These areas are expected to grow at a much slower rate compared to the area that will be served by the short-term improvements.

It is anticipated that commercial services (and therefore commercial demands) will grow as residential growth occurs. It was estimated that projected commercial flows would be approximately 15% of the residential flow. For the short-term improvements area, acreage was identified for potential industrial growth. Industrial wastewater flow projections for the short-term area are based on 90% of water demand projections (Metcalf & Eddy). This projection estimates that 10% of the water demand is consumed in the industrial process and is not returned to the collection system. Water demands are estimated at 1,500 gpd/acre. For the areas to be served by the intermediate and long-term improvements, industrial flows were estimated at 5% of the residential flows.





**PROJECT**  
Short Term  
Conceptual Planned  
Projects for Southeast  
FIGURE 3.3

**CLIENT**  
Richland County

**CONSULTANT**  
**AECOM**  
2151 Pickens Street, Suite 301  
Columbia, SC 29201  
T +1-803-254-4400  
www.aecom.com

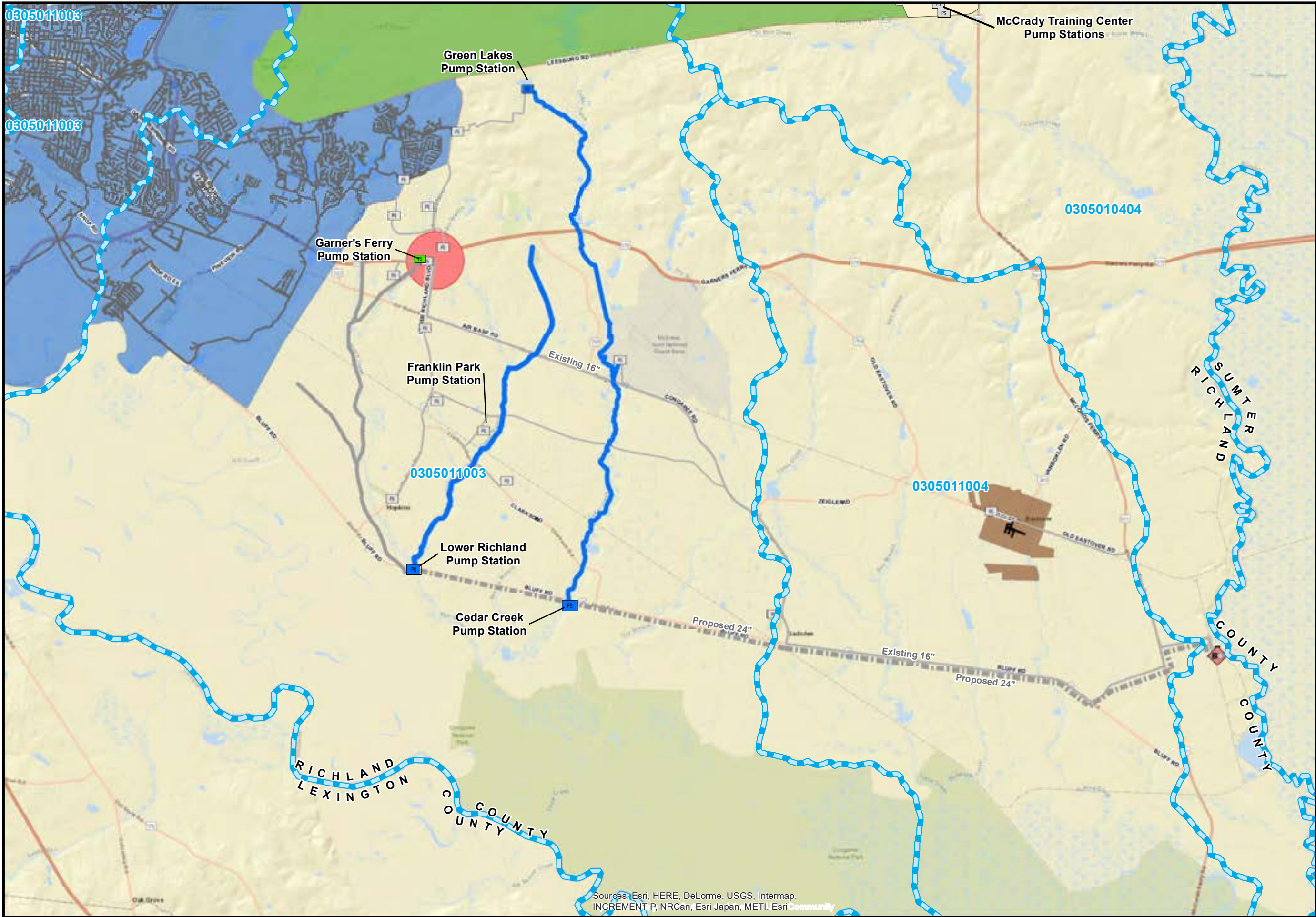
- Legend**
- Watersheds
  - PROPOSED FORCE MAIN
  - GRAVITY
  - ST\_PumpStation
  - Existing WWTP
  - Existing City of Columbia Sewer
  - Existing Eastover Gravity Mains
  - Existing Richland County Sewer
  - Existing Richland County Sewer 10" Force Main

- Sewer Service Areas**
- Columbia
  - Eastover
  - Fort Jackson

**KEY PLAN**  
1 in = 2 miles

**PROJECT NUMBER**  
60494136  
Date: 1/25/2024





**PROJECT**  
South Richland County  
Proposed and Existing  
Sanitary Sewer Lines  
**INTERMEDIATE TERM**  
FIGURE 3.4

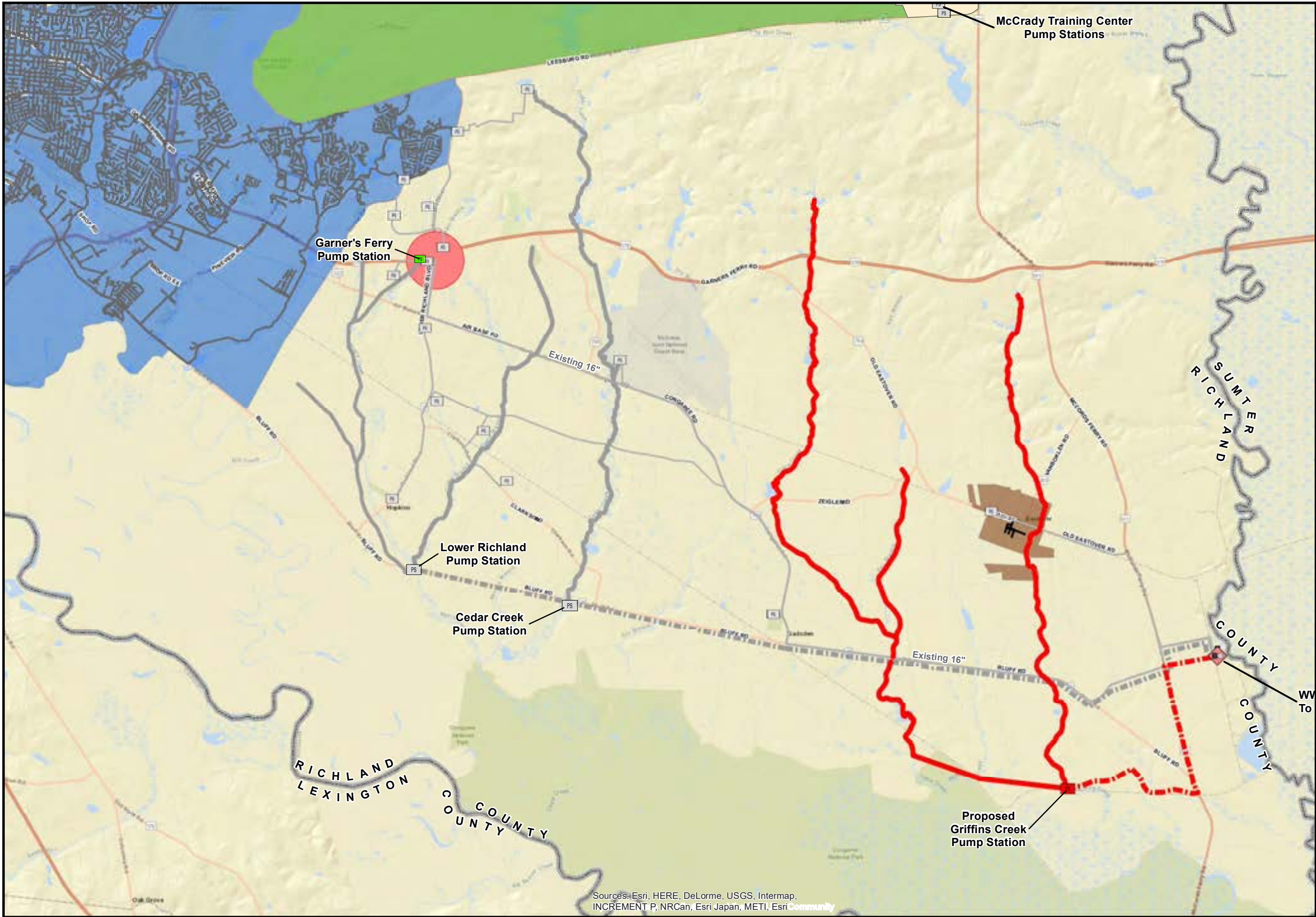
**CLIENT**  
Richland County

**CONSULTANT**  
**AECOM**  
101 Research Drive  
Columbia, South Carolina 29203-9389  
T +1-803-254-4400  
www.aecom.com

- Legend**
- Existing Gravity - Short Term
  - Intermediate Term**
    - Gravity, Intermediate Term
    - Gravity, short
  - Existing Force Main, Short Term
  - Existing WWTP
  - Existing City of Columbia Sewer
  - Existing Eastover Gravity Mains
  - Sewer Service Areas**
    - Columbia
    - Eastover
    - Fort Jackson
    - Priority Investment Area

**KEY PLAN**  
1 in = 2 miles  
N  
**PROJECT NUMBER**  
60494136  
Date: 1/25/2024





**PROJECT**  
South Richland County  
Proposed and Existing  
Sanitary Sewer Lines  
LONG TERM  
FIGURE 3.5

**CLIENT**  
Richland County

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www.aecom.com

- Legend**
- Long Term**
- Pressure, long
  - Gravity, Long Term
- Intermediate Term**
- Existing Gravity - Short Term
- Sewer Service Areas**
- Existing WWTP
  - Existing City of Columbia Sewer
  - Existing Eastover Gravity Mains
  - Columbia
  - Eastover
  - Fort Jackson
  - Priority Investment Area

**KEY PLAN**  
1 in = 2 miles

**PROJECT NUMBER**  
60494136  
Date: 3/26/2024

## 4. Recommendations

Future wastewater needs are estimated based upon projections of historical growth trends as well as potential developments where RCU has received capacity requests from developers. As these trends are projected into the future, the potential for variation between estimated and actual growth increases.

To accommodate the uncertainty associated with estimating long-term growth, recommendations have been categorized into time periods related to the level of accuracy. These time frames are as follows:

- **Short Term** – Short term recommendations are those actions that are anticipated to be necessary within the next five years. These recommendations are designed to address immediate needs or initiate preparations for future needs. Because projections in this time frame have a higher level of reliability, recommendations in this time frame could be incorporated into a capital improvements plan (CIP) and / or budget planning.
- **Intermediate** – Intermediate recommendations are designed to address actions that are anticipated to be required within the next five to ten years. Projections in this time frame have a moderate level of reliability. Actual implementation of these recommendations will be dependent upon the actual growth trends in the short-term time frame. These actions can also be incorporated into a CIP or budget plan.
- **Long Term** – Long term recommendations are designed to address actions that should be necessary more than ten years from now. Because these recommendations are based upon the least reliable projections, they are the most likely to need adjustments, but they provide a good idea of the potential magnitude that can be anticipated and provide direction for addressing these future needs should they materialize.

Using the guidelines discussed above, the following recommendations are provided for wastewater collection and treatment.

### 4.1 Wastewater

The following table gives an overall view of improvements, timelines, and cost for the Wastewater Improvements to the RCU wastewater service area.



**Table 4.1 – Wastewater Improvements Estimated Construction Cost (\$Million)**

	<b>Southeast Region*</b>
<b>Short Term (Present to 2030)</b>	\$100
<b>Intermediate (2030 to 2035)</b>	\$30
<b>Long Term (2035 -2045+)</b>	\$36 <sup>A</sup>
<b>Total Potential 2045 Average Day Demand (MGD)</b>	13.6 MGD
<b>Total Construction Cost</b>	<b>\$166</b>

\*Costs are Capital Cost and Contingency only. Permitting, Engineering, and Easements are not included.

<sup>A</sup>Cost for a WWTP expansion would need to be determined based on actual flows and projected flows, therefore, costs were not included.

## ***Southeast Regionalization RCU Wastewater System***

By 2045, southeast Richland County is projected to have an average day wastewater demand of 13.6 MGD. The short term, intermediate, and long-term wastewater projects outlined in this master plan provide regional wastewater service throughout the southeast Richland County area. Wastewater service could be provided for specific developments to ensure a cost-effective wastewater project to connect to the major wastewater lines in the system.

### **Short Term Wastewater Recommendations**

The following recommendations are recommended for implementation within the next five years (up to 2030):

Short Term Improvements include a 1.3 MGD WWTP expansion, gravity lines, force main, and the Lower Richland Pump Station. Wastewater service could be provided for specific developments, and the installation of these smaller projects should follow the routes defined in this master plan.

<b>Short Term Wastewater Projects</b>	<b>Estimated Probable Cost (Present Value)</b>
Gravity Lines	\$16,000,000
24-Inch Force Main (LRPS to WWTP)	\$34,000,000
Proposed Lower Richland Pump Station (LRPS)	\$10,000,000
WWTP Expansion to 5 MGD (2.5 MGD Expansion)	\$30,000,000
Contingencies	\$10,000,000
<b>Total Estimated Probable Cost</b>	<b>\$100,000,000</b>



Estimated Construction Cost for the Short-Term Improvements are estimated to be **\$100 million**. Costs are Capital Cost and Contingency only. Permitting, Engineering, and Easements are not included.

### **Intermediate Wastewater Recommendations**

The following recommendations are provided for implementation within the next 5 to 10 years (2030 to 2035).

Intermediate Improvements include a gravity lines and the Cedar Creek Pump Station. Wastewater service could be provided for specific developments, and the installation of these smaller projects should follow the routes defined in this master plan.

<b>Intermediate Term Wastewater Projects</b>	<b>Estimated Probable Cost (Present Value)</b>
Gravity Lines	\$15,000,000
Proposed Cedar Creek Pump Station (CCPS)	\$10,000,000
Contingencies	\$5,000,000
<b>Total Estimated Probable Cost</b>	<b>\$30,000,000</b>

Estimated Construction Cost for Intermediate Wastewater projects is estimated to be **\$30 million**. Costs are Capital Cost and Contingency only. Permitting, Engineering, and Easements are not included.

### **Long Term Wastewater Recommendations**

The following recommendations are provided for implementation beyond the next 10 years (2035 – 2045 or beyond). Long term wastewater projects include another WWTP expansion which has not been determined, additional gravity lines, an additional force main to the WWTP and the Griffin's Creek Pump Station. Wastewater service could be provided for specific developments, and the installation of these smaller projects should follow the routes defined in this master plan.

<b>Long Term Wastewater Projects</b>	<b>Estimated Probable Cost (Present Value)</b>
Gravity Lines	\$17,000,000
Force Main (GCPS to WWTP)	\$4,000,000
Proposed Griffins Creek Pump Station (GCPS)	\$10,000,000
Contingencies	\$5,000,000
<b>Total Estimated Probable Cost</b>	<b>\$36,000,000</b>

Estimated Construction Cost for Long Term Wastewater projects is estimated to be **\$36 million** plus the cost of a Eastover WWTP expansion. Costs are Capital Cost and Contingency only. Permitting, Engineering, and Easements are not included.

## 5. Funding Options

There are numerous financing options for RCU to evaluate for the master plan recommendations, including but not limited to the following:

*Community Development Block Grant (CDBG) program.* Richland County is an entitlement area, and CDBG funds are received directly from the U.S. Department of Housing and Urban Development (HUD). The Richland County Office of Community Development (RCCD) was created in 2002 to administer these CDBG funds. These funds primarily benefit the low and moderate income (LMI) population (neighborhoods) of the unincorporated areas of Richland County. LMI population is defined as family household income 80% or below of the median area income. The Public Improvements Program was created to continue the commitment that Richland County has in delivering a desirable living environment supported by adequate public infrastructure, particularly for low-and moderate-income neighborhoods on the South Carolina DHEC's Water and Sewer Needs List.

*Economic Development Administration (EDA).* The U.S. Department of Commerce Economic Development Administration (EDA) provides grants for publicly owned infrastructure and facilities. EDA grants empower distressed communities to revitalize, expand and upgrade their physical infrastructure. All projects are evaluated to determine if they advance global competitiveness, create jobs, leverage public and private resources, demonstrate readiness and ability to use funds quickly and effectively, and link to specific and measurable outcomes. Therefore, this grant would only be applicable in the event a new industry would locate in the RCU service area.

*South Carolina Rural Infrastructure Authority (RIA).* The RIA was created by the General Assembly to select and assist in financing qualified rural infrastructure projects. Such infrastructure must meet an essential public purpose of protecting public health and the environment by improving environmental facilities and services or building infrastructure capacity to support economic development and employment opportunities. RIA offers assistance to local governments and other eligible entities primarily through competitive grants for new or improved infrastructure facilities. This assistance helps communities close the gap between needs and resources and builds a strong foundation for the future.

There are two grant funding cycles each year, and there are two grant program categories. The basic infrastructure grant program is designed to assist communities in bringing facilities into compliance with environmental quality standards, protecting public health from other environmental concerns or improving the capacity of existing infrastructure. The economic infrastructure program is designed to help build local infrastructure capacity to support economic development activities that will create or retain jobs and boost opportunities for long-term community sustainability.

The maximum grant amount is \$1,000,000. The grants can only be used for construction costs, and Richland County would be required to provide a 25% match for construction costs. RIA will consider granting a larger amount, but RCU would have to forgo applying for another RIA grant for numerous funding rounds depending upon the grant award.

*State Revolving Fund (SRF).* SRF funding is provided through the South Carolina Department of Health and Environmental Control (SCDHEC) for project management and South Carolina Rural

Infrastructure Authority, Office of Local Government (OLG) for financial assistance. The SRF program provides long-term, low-interest loans. The Clean Water SRF program finances all types of sewer facilities including treatment plants, collection systems, stormwater improvements, and line relocation for road widening for environmental and growth purposes for up to 30 years. There is a very limited amount of funds available as principal forgiveness for projects facing health or environmental threats.

United States Department of Agriculture Rural Development (RD). The Rural Utilities Service, through its Water and Environmental Programs, provides financial assistance to eligible public bodies, Indian Tribes, and non-profit organizations to construct, enlarge, or improve water, wastewater, and solid waste disposal systems in rural areas. RD provides loan and grant funding. Funding through RD would be applicable to projects in the southeastern portion of the RCU service area.

Bonds. The sale of bonds can be used for wastewater projects in the County. For revenue bonds, Richland County would need to obtain a good rating and get the bonds insured to receive the best interest rate. The interest rate for revenue bonds can be lower than other funding mechanisms such as SRF loans. General obligation bonds typically carry a lower interest rate than revenue bonds. The ad valorem tax revenue generated is utilized to pay for the general obligation bond.

A benefit to funding with bonds is RCU can secure all or a large percentage of the financing for a project and recoup the cost over a period of time that would be similar to the useful life of the infrastructure. This would be done for revenue bonds through debt service payments and included in the rate schedule. This would allow more equitable funding between generations of ratepayers. Revenues must be sufficient to meet a debt service coverage requirement, so careful financial planning must be undertaken.[1]

Developer Funded Infrastructure. A developer would be responsible for funding and constructing the sewer system to the County's specifications for a residential development. RCU may want to pay the extra cost of upsizing lines for future growth in the area. This funding option would be utilized for specific developments. Once the system is constructed, the County would receive the system debt free. In return the County would provide the developer with tap certificates, which could be sold to help the developer recoup costs. RCU has utilized a similar financing structure previously for the Hollingshed Sewer System.

Special Assessment. Special assessments may service a role in funding infrastructure for a defined area. Special improvement districts can be used to install or replace local water or sewer facilities. The cost of the local facilities is recovered by a special assessment. This assessment is done for each property owner based on square footage of the property or other methods.[1]

Ad Valorem Taxes. The County could use ad valorem property taxes for capital funding of water and wastewater infrastructure. The tax is levied based on the value of property. The tax is more stable than user charges, since they are billed to each parcel or property within the service area instead of being based on flows. The tax is assessed based on property in the service area, which may include undeveloped or unsewered properties in the service area. These properties may be connected to the system in the future and receive benefit from the existing facilities.[1]

## References

[1] Financing and Charges of Wastewater Systems Task Force of the Water Environment Federation, 2005, *Financing Charges for Wastewater Systems, Water Environment Federation, Manual of Practice No. 27*, McGraw-Hill, New York, 280 p.

**APPENDIX A**  
**FLOW PROJECTIONS**

## Short Term Area Projections

Zoning	Parcels	Acres	Density	Dwelling Units	REUs
AG	26	2,814	0.33	929	929
HM	160	1,353	0.66	893	893
RT	501	502	1	502	502
R2	45	21	3	64	64
R3	8	225	6	1,349	1,349
GC	5	26	16	418	418
Sum		<b>4,942</b>		<b>4,156</b>	<b>4,156</b>

Assumptions: 0.84 Residential Equivalency Units (REU)/Acre and 252 gpd/acre.

Planning assumption for Short Term Projects: 250 gpd/acre = 1,235,620 gpd

## Intermediate and Long-Term Area Projections

Zoning	Parcels	Acres	Density	Dwelling Units	REUs
AG	422	47,509	0.33	15,678	15,678
HM	2,716	20,065	0.66	13,243	13,243
RT	6,049	6,852	1	6,852	6,852
R2	115	253	3	758	758
R3	1,024	482	6	2,894	2,894
R4	604	263	9	2,367	2,367
R5	51	245	12	2,935	2,935
R6	3	6	18	106	106
GC	38	99	16	1,590	1,590
Sum		<b>75,773</b>		<b>41,792</b>	<b>41,792</b>

Assumptions: 0.55 REU/Acre and 165 gpd/acre. Area is more rural and is less likely to development.

Planning assumption for Intermediate and Long-term Projects: 125 gpd/acre = 9,471,625 gpd

## Summary Calculations

	Short Term (gpd)	Intermediate and Long Term (gpd)
Residential	1,235,620	9,471,625
Commercial	185,343	1,420,753
Industrial	832,167	473,584
<b>Sub Total</b>	<b>2,253,130</b>	<b>11,365,962</b>
<b>Total 20-yr WWTP Flow Projection</b>		<b>13,619,092 gpd</b>



## Richland County Council Request for Action

**Subject:**

Public Works - Engineering - GreenHill Parish and Spring Park Sidewalk- Award of Construction

**Notes:**

June 25, 2024 – The Administration & Finance Committee recommends the award of a contract to Corley Construction for the Greenhill Parish and Spring Park sidewalk construction for the bid price of \$1,560,831.





## Agenda Briefing

Prepared by:	Shirani W Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	June 4, 2024	Meeting Date:	June 25, 2024
Legal Review	Patrick Wright via email	Date:	June 7, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 13, 2024
Finance Review	Stacey Hamm via email	Date:	June 7, 2024
Approved for consideration:		Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM
Meeting/Committee	Administration & Finance		
Subject	GreenHill Parish and Spring Park Sidewalk- Award of Construction		

### RECOMMENDED/REQUESTED ACTION:

Staff recommends the award of a contract to Corley Construction for the GreenHill Parish and Spring Park sidewalk construction for the bid price of \$1,560,831.

Request for Council Reconsideration: ☒ Yes

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Funds are available via the following:

County Transportation Committee grant	\$716,381.50
Road Maintenance Fund	\$1,000,532.60
Total	\$1,716,914.10 (including 10% contingency)

*Applicable fund and cost center:*

Fund DPW Grants  
Cost Center: 1216 (Road Maintenance Fund)

### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

A Request for Bids was issued in March of 2024. The bid closed on April 16, and there were two submissions. Corley Construction LLC was the lowest, responsive, responsible bidder with a bid of \$1,560,831.00. Corley Construction is also registered as an SLBE and is a minority owned business. Award is recommended to Corley Construction LLC.

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

There are no legal concerns regarding this matter.

### REGULATORY COMPLIANCE:

Not applicable.

#### **MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

Richland County requested bids from qualified contractors to install five-foot (5') sidewalk along sections of Greenhill Parish Parkway and Spring Park Dr as described below and shown in the attached maps.

The project includes construction of approximately 0.27 miles of new sidewalk along Greenhill Parish Parkway from the traffic circle at Upland Hill Ln to the existing infrastructure near the driveway for Catawba Trail Elementary School. Improvements to the existing stormwater infrastructure and the installation of two school zone speed flashing light systems will also be part of this project.

The project also includes construction of approximately 1.044 miles of new sidewalk along Spring Park Drive from the intersection at Longreen Parkway to the existing sidewalk, approximately 60' west of the intersection at Hobart Way. Improvements to the existing stormwater infrastructure and the replacement of an existing speed hump with a raised crosswalk will also be included in this project.

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

- Goal 4: Plan for Growth through Inclusive and Equitable Infrastructure
  - Objective 4.3: Create excellent facilities

#### **ATTACHMENTS:**

1. Bid Table
2. Greenhill Parish project map
3. Spring Park project map




RC-651-B24		L-J, Inc.	Corley Construction
Spring Park Drive and			
Greenhill Parish			
Parkway Sidewalk Design	Total Cost	\$1,684,329.08	\$1,560,831.00
Due Date 4/16/2024 @ 2pm			



# Greenhill Parish Pkwy New Sidewalks & Signs






## Legend

-  New Flashing Signs - School Speed Zone
-  Existing Sidewalk
-  Proposed Sidewalk

 Parcels

## Road Maintenance

-  County Paved
-  Private or Other
-  SCDOT

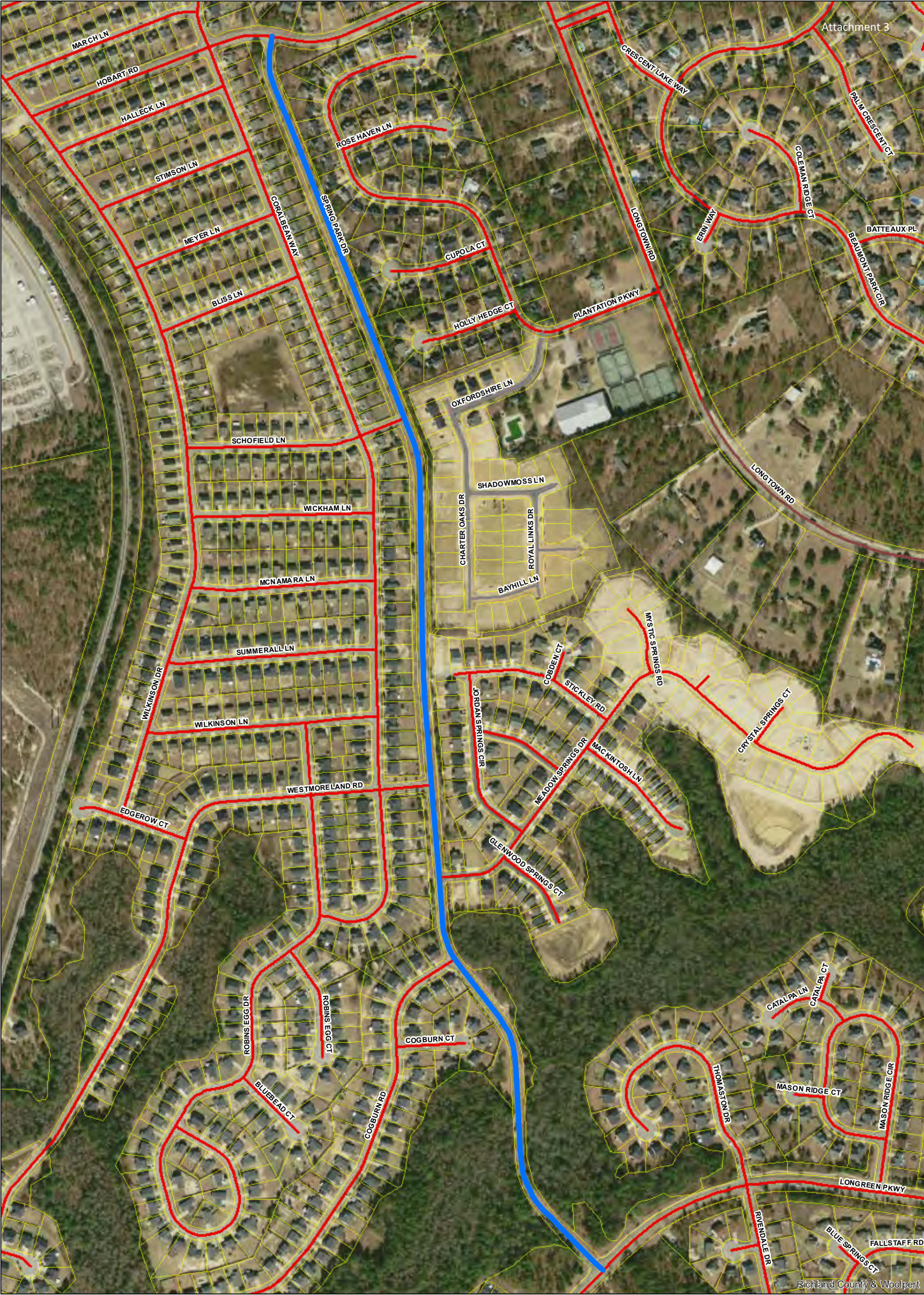


1 inch = 352 feet



Richland County Public Works - 2018





Legend

- Improvement request
- Parcels

- Roads**
- County Paved
  - Private or Other
  - County Unpaved
  - SCDOT



273 of 551 in = 374 feet

**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION:** Any resale of this information is prohibited, except in accordance with a licensing agreement.

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400 Powell Rd.  
Columbia, SC 29203





## Richland County Council Request for Action

**Subject:**

Economic Development - Lease Renewal

**Notes:**

June 25, 2024 – The Administration & Finance Committee recommends approval of an office lease for the current space at 1201 Main Street, Suite 1100.



## Agenda Briefing

Prepared by:	Kate Bugby	Title:	Existing Industry Manager	
Department:	Economic Development	Division:		
Date Prepared:	May 17, 2024	Meeting Date:	June 25, 2024	
Legal Review	Patrick Wright via email		Date:	May 21, 2024
Budget Review	Maddison Wilkerson via email		Date:	May 21, 2024
Finance Review	Stacey Hamm via email		Date:	May 22, 2024
Approved for consideration:		County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Administration & Finance			
Subject	Approval of Economic Development Lease Renewal			

### RECOMMENDED/REQUESTED ACTION:

Richland County Economic Development staff requests approval to renew an office lease for the current space at 1201 Main Street, Suite 1100. The current office lease expires August 31, 2024.

Request for Council Reconsideration: ☒ Yes

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Staff is requesting approval to sign a 3-year lease extension. The proposed lease rates for the next three years are as follows:

September 01, 2024 – August 31, 2025	\$63,797.59
September 01, 2025 – August 31, 2026	\$65,719.68
September 01, 2026 – August 31, 2027	\$67,694.43

There is no rent increase for the first year of the lease agreement and with an approximate three-percent (3%) annual escalation in years 2 and 3 of the term.

*Applicable department/grant key and object codes:* Fund: 1240  
Cost Center: 1150  
Spend Category: Operating Expenditures - Rents

### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

The County Attorney would generally advise that County would not agree to pay attorney's fees; however, but the clause is in the original 2014 agreement.

#### REGULATORY COMPLIANCE:

Not applicable

#### MOTION OF ORIGIN:

There is no associated Council motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Office of Economic Development (the Department) has leased space at 1201 Main Street since 2012. The building is centrally located and provides the Department with direct access to the Department of Commerce, its regional alliance, the City of Columbia Economic Development Office and many partners and allies like engineering firms, law firms, and rail service providers who are all housed in the same building or within walking distance.

With a modern feel and city view, the space allows the Department to showcase the County. The Department frequently hosts visits from corporate decision makers. The current office space is well positioned and appointed to ensure the County makes its best first impression.

In the past year, the Department has grown from 3 to 4 employees. The current office space has accommodated this growth and has additional space for future planned growth. Though the Department did research other spaces to ensure returned value to the County, there were few comparable options within the area.

The proposed lease keeps rent expense steady for one (1) year with an approximate three-percent (3%) annual escalation in years 2 and 3 of the term. It also allows the Department to continue to function without interruption.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 2: Invest in Economic Development
- Goal 4: Plan for Growth through Inclusive and Equitable Infrastructure
  - Objective 4.3: Create excellent facilities

#### ADDITIONAL COMMENTS FOR CONSIDERATION:

To establish the County as a dynamic hub of economic activity and to attract innovative industries with growth potential, it is necessary to continue to have a professional and modern office space.

#### ATTACHMENTS:

1. Current lease agreement
2. Second amendment to lease agreement (proposed)



STATE OF SOUTH CAROLINA     )  
    )  
 COUNTY OF RICHLAND            )

**FIRST AMENDMENT TO  
 LEASE AGREEMENT**

This First Amendment to Lease Agreement (the "First Amendment") is entered into to be effective as of the \_\_\_\_ day of January 2019, between **HAMILTON CAPITOL CENTER LLC**, a Delaware limited liability company ("**Landlord**") and **RICHLAND COUNTY, SOUTH CAROLINA**, a political subdivision of the State of South Carolina ("**Tenant**").

WHEREAS, U.S. REIF/MJW CAPITOL CENTER FEE, LLC (predecessor in interest to Landlord) and Tenant entered into that certain Lease Agreement dated June 16, 2014 (the "**Lease**"), for the lease of approximately 1,994 rentable square feet of rentable space in the Capitol Center, Suite 910, located at 1201 Main Street in the City of Columbia, Richland County, South Carolina (the "**Premises**"); and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to: (i) to modify the size and location of the Premises (ii) to modify the Term, (iii) to modify the Base Rent, and (iv) to provide for certain other matters more particularly set forth below.

NOW, THEREFORE, for and in consideration of the mutual promises and provisions contained in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant, intending to be legally bound, agree as follows:

1. Premises. On or about May 1, 2019 as determined via written notice from Landlord to Tenant (the actual date as determined by Landlord beginning the "**Extension Commencement Date**"), Tenant shall vacate and relinquish Suite 910 and shall relocate to a portion of Suite 1110 which consists of approximately 2,633 rentable square feet of rentable space as shown in Exhibit A ("**Relocation Premises**"). From and after the Extension Commencement Date, Tenant's pro-rata share shall be 0.57% and the Relocation Premises shall be deemed to be the Premises for purposes of the Lease.

2. Lease Extension. The Term of the Lease is hereby extended from the Extension Commencement Date to August 31, 2024 (the "**Extension Period**").

3. Rent Amendment.

(a) Section 1 (i) of the Lease is hereby amended to provide that, during the Extension Period, Tenant shall pay Base Rent in accordance with the following schedule:

<u>Period</u>	<u>Annual Base Rent</u>	<u>Monthly Base Rent</u>	<u>PSF</u>
05/01/19* – 12/31/19	\$55,029.70	\$4,585.81	\$20.90
01/01/20 – 12/31/20	\$56,688.49	\$4,724.04	\$21.53
01/01/21 – 12/31/21	\$58,373.61	\$4,864.47	\$22.17
01/01/22 – 12/31/22	\$60,137.72	\$5,011.48	\$22.84
01/01/23 – 12/31/23	\$61,928.16	\$5,160.68	\$23.52
01/01/24 – 08/31/24	\$63,797.59	\$5,316.47	\$24.23

\*Or first day of the Extension Period.

(b) During the Extension Period, Tenant shall continue to pay Base Rent Adjustments with respect to Operating Expenses and all other additional rent, Rent and other amounts payable under an in accordance with the Lease to Landlord.

4. Use. In no event shall the Premises be used for any of the following:

A. An Executive Suites business. The term "Executive Suites" shall be defined herein as any entity that is engaged in the business of subleasing single offices while providing staffing services and equipment usage.

B. The operation of a commercial banking or lending (including retail branch banking), wealth management, insurance brokerage and other financial advisory services business.

5. Notice Address. Section 29 of the Lease is hereby amended to provide that all notices to Landlord shall be sent to Landlord at the following address:

c/o Capitol Center Management  
Attn: Property Manager, Capitol Center  
1201 Main Street, Suite 230  
Columbia, South Carolina 29201

Section 1(a) of the Lease is hereby amended as follows:

1201 Main Street, Suite 1110  
Columbia, South Carolina 29201

6. Condition of Premises. Landlord, at its sole cost, shall make improvements to the Relocation Premises as specified in Exhibit B.

7. Rules of Construction. No rules of construction against the drafter of this First Amendment shall apply in any interpretation or enforcement of this First Amendment. The parties hereto acknowledge and agree that they are sophisticated commercial entities and freely enter into this First Amendment with the advice and consent of legal counsel of their choosing.

8. Tenant Representations. As of the date of this First Amendment, Tenant represents and warrants to Landlord as follows: (i) all obligations of Landlord under the Lease have been performed, and no event has occurred and no condition exists that, with the giving of notice or lapse of time or both, would constitute a default by Landlord under the Lease, and (ii) Tenant has no existing defenses, offsets, counterclaims or deductions against Base Rent or any other amounts due from Tenant to Landlord pursuant to the Lease.

9. Brokers. Tenant warrants and represents that it has had no dealings with any broker in connection with the negotiation or execution of this First Amendment other than CBRE ("Landlord's Broker") represents Landlord's interests in connection with this transaction and shall be paid by Landlord for its services pursuant to a separate, written agreement fully executed by Landlord's Broker and Landlord prior to full execution of this First Amendment. Except as expressly provided above, Landlord will not be responsible for, and Tenant will indemnify, defend, and hold Landlord harmless from and against, any brokerage or leasing commission or finder's fee claimed by any party in connection with this First Amendment.

10. Legal Effect. Except as specifically modified herein, all of the covenants, representations, terms, and conditions of the Lease remain in full force and effect and are hereby ratified by Landlord and Tenant.

11. Counterparts. This First Amendment may be executed in two or more counterparts and shall be deemed to have become effective when and only when one or more of such counterparts shall have been signed by or on behalf of each of the parties hereto (although it shall not be necessary that any single counterpart be signed by or on behalf of each of the parties hereto, and all such counterparts shall be deemed to constitute but one and the same instrument) and shall have been delivered by each of the parties to the other.

12. Defined Terms. All capitalized terms not otherwise specifically defined herein have the same meaning ascribed to them in the Lease.

[signatures appear on following page(s)]

SIGNATURE PAGE FOR  
FIRST AMENDMENT TO LEASE AGREEMENT

IN WITNESS WHEREOF, Landlord and Tenant have executed the foregoing First Amendment the day and year first above written.

***LANDLORD:***

**HAMILTON CAPITOL CENTER LLC**, a Delaware limited liability company

By: \_\_\_\_\_

Name: Malkiel Svei

Its: Authorized Signatory

***TENANT:***

**RICHLAND COUNTY, SOUTH CAROLINA**, a political subdivision of the State of South Carolina

By: Edward B. Comer

Name: Ed Comer

Title: Richland County Asm

Exhibit A

Relocation Premises

The "Relocation Premises" is shown highlighted in yellow as Suite 1110 below.

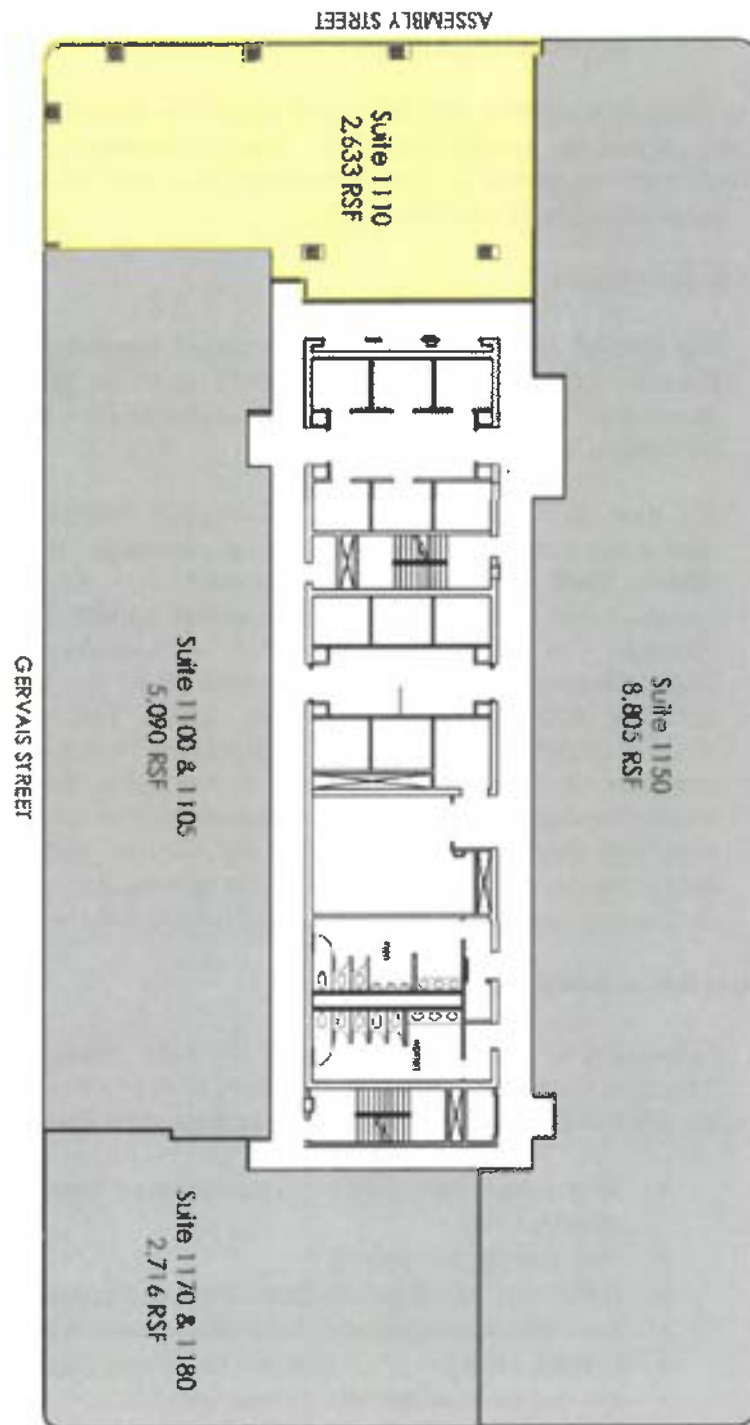


Exhibit B

Modifications to the Relocation Premises include:

**WORKLETTER  
(CONSTRUCTION BY LANDLORD)**

This Workletter is dated of even date with and supplements the First Amendment to which this Workletter is attached and governs the construction of the Tenant Improvements to the Relocation Premises. All capitalized terms appearing in this Workletter shall have the same meaning as those appearing in the Lease, except as expressly modified herein.

1. **Initial Improvements.**

- (a) The design and construction of the tenant improvements at the Relocation Premises (the "**Initial Improvements**") shall be performed by or at the direction of Landlord. The Initial Improvements shall be Building Standard as determined by Landlord.
- (b) The base, shell and core (i) of the Relocation Premises, and (ii) the Building were constructed previous to the initial occupancy thereof (collectively, the "**Base, Shell and Core**"). Subsequently, the Relocation Premises were improved with various tenant improvements suitable for the use by previous occupants of the Relocation Premises (collectively, the "**Existing Improvements**"). Except for the construction of the Initial Improvements as described in this Workletter and latent defects, Tenant shall accept possession of the Relocation Premises for the Extension Period in an "as is, where is" condition. It is expressly understood that, other than as set forth in this Workletter, Landlord shall have no responsibility or obligation to perform other work with respect to the Base, Shell and Core or with respect to the Existing Improvements. Tenant has had sufficient opportunity to investigate and inspect the physical condition of the Relocation Premises and the Common Areas.

2. **Construction of Initial Improvements.**

- (a) Subsequent to the full execution of the First Amendment and prior to the Extension Commencement Date, Landlord shall proceed with the construction of the following Initial Improvements to the Relocation Premises:
  - New carpet throughout with exception of Break & Data rooms which shall be VCT.
  - New painting throughout.
  - Additional outlets and electrical drops as required by applicable law.
  - The conference room shall have double doors with glass inserts.
  - Convert ceiling to 2'x2' grid and install new tegular tiles.
  - Replace the existing light fixtures with LED.
  - Modify existing base cabinet in break room to accommodate dish washer (\$750 maximum allowance provided for dishwasher by Landlord).

- (a) Tenant's failure to respond, within reasonable time periods prescribed by this Lease or within a reasonable period of time prescribed by Landlord, to a request for information necessary for the completion of the Initial Improvements; or
- (b) Changes by Tenant to the Initial Improvements; or
- (c) Requirements by Tenant for materials, finishes or installations which are not Building Standard; or
- (d) Any interference by Tenant or its agents or contractors with the construction of the Initial Improvements to the Relocation Premises; or
- (e) Any other cause defined under the Lease or this Workletter as a Tenant Delay.

This Workletter is executed this \_\_\_\_ day of January, 2019.

**LANDLORD:**  
**Hamilton Capitol Center LLC**

**TENANT:**  
**Richland County, South Carolina**

By: \_\_\_\_\_  
Malkiel Svei  
Authorized Signatory

By: Edward B. Gornett  
Name: Edward B. Gornett  
Title: Richland County Adm

- (b) If Tenant requests Landlord to perform additional work to the Relocation Premises outside the foregoing scope, then such work shall be performed by Landlord at Tenant's expense. Prior to commencing any such work requested by Tenant, Landlord will submit to Tenant written estimates of the cost of any such work. If Tenant fails to approve any such estimate within ten (10) days, then the same shall be deemed disapproved in all respects by Tenant, and Landlord shall not be authorized to proceed thereon.
- (c) Within five (5) business days of being notified of "Substantial Completion Date" (as herein defined), Tenant shall provide Landlord with a punch list of items requiring completion and/or correction with regard to the Initial Improvements to the Relocation Premises ("**Punch List**"). Landlord shall complete the Punch List as soon as reasonably practicable after the Extension Commencement Date. If the Punch List consists only of items which would not materially impair Tenant's ability to conduct its business operations within the Relocation Premises, then, in such event, the Initial Improvements to the Relocation Premises shall be deemed to be substantially complete and Tenant will accept possession of the Relocation Premises, (the date on which Initial Improvements to the Relocation Premises are substantially complete is referred to herein as the "**Substantial Completion Date**"). Upon the Substantial Completion Date, the Initial Improvements to the Relocation Premises shall be deemed to be satisfactorily completed except to the extent noted in the Punch List and except for latent defects. Tenant's sole and exclusive remedy for any defects in materials and/or workmanship shall be for the repair of such defects, or the replacement of the portion of the Initial Improvements affected by such defects. Landlord makes no warranties, expressed or implied, including but not limited to implied warranties of merchantability and fitness for a particular purpose, in connection with the Initial Improvements. Tenant's sole remedy for breach of any applicable warranty shall be the remedy set forth in this Section. Tenant agrees that no other remedy, including without limitation incidental or consequential damages for lost profits, injury to person or property, or any other incidental or consequential loss, shall be available to Tenant. Subject to the provisions of Sections 3 and 4 of this Workletter, if the Substantial Completion Date has not occurred prior to the Extension Commencement Date then the Extension Commencement Date shall be delayed for a period of time commensurate with such delay and the Expiration Date and the dates set forth in the Base Rent Schedule provisions shall be adjusted as a result of such delay for commensurate periods of time.

3. **Extension Commencement Date.** For purposes of determining the Extension Commencement Date pursuant to the Lease, the date designated as the Substantial Completion Date shall be accelerated on a day-for-day basis for each day of "Tenant Delay", (as defined below). For example, if the Substantial Completion Date actually occurs on December 16 of a given year, but there were fifteen (15) days of Tenant Delay, then Substantial Completion Date will be deemed to have occurred on December 1 of such year.

4. **Tenant Delay.** The term "**Tenant Delay**" shall mean each day that Substantial Completion Date is delayed by any of the following:



## PROPOSAL TO

Richland County, South Carolina ("Tenant")  
January 4, 2019

**CBRE**

Aaron M. Dupree  
First Vice President  
+1 803 744 6859  
[aaron.dupree@cbre.com](mailto:aaron.dupree@cbre.com)

### **TENANT**

**Richland County, South Carolina ("Tenant")**

### **BUILDING**

Capitol Center is a 25-story office tower consisting of 466,000 rentable square feet of Class A space. Located directly across the street from the South Carolina State House and Capitol Complex, the Capitol Center is the most prominent office tower in Columbia.

### **PREMISES**

Landlord and Tenant will work to determine a size and layout that is mutually agreeable.

Landlord is proposing Tenant occupy a portion of Suite 1110 which contains approx. 2,633 rentable square feet (RSF). A proposed layout is shown in the Exhibit A.

### **COMMENCEMENT**

Anticipated Commencement Date would be May 1, 2019.

### **TERM**

Five years beyond the current expiration date (new Expiration Date shall be 8/31/24).

### **RENTAL RATE**

Period	Base Rent/RSF
5/1/18 - 12/31/19	\$20.90
1/1/20 - 12/31/20	\$21.53
1/1/21 - 12/31/21	\$22.17
1/1/22 - 12/31/22	\$22.84
1/1/23 - 12/31/23	\$23.52
1/1/24 - 8/31/24	\$24.23

The rent shall include the base expense of real estate taxes, building operating expenses, and all other related services associated with a first-class office building.

### **TENANT IMPROVEMENTS**

Landlord, at its expense, shall provide work to the Premises which includes the work as identified on the attached sketch. Tenant and Landlord shall complete a mutually approved space plan incorporating Tenant's requirements and such plan shall be a part of the Landlord's work and made part of the Lease. In summary, modifications to the space include:

- New carpet throughout with exception of Break & Data rooms which shall be VCT.
- New Painting throughout.
- Additional outlets and electrical drops as required.
- The conference room shall have double doors with glass inserts.
- Convert ceiling to 2'x2' grid and install new tegular tiles.

- Replace the existing light fixtures with LED.
- Modify existing base cabinet in break room to accommodate dish washer (\$750 allowance provided for dishwasher).

**CONTINGENCY**

Please note that the terms and conditions of this proposal shall bind neither party, unless and until both parties execute and deliver a formal lease agreement. Should this proposal meet with your approval, please sign where indicated below and return a copy.

Sincerely,



Aaron M. Dupree  
First Vice President

Agreed and accepted this 11<sup>th</sup> day of January, 2018.

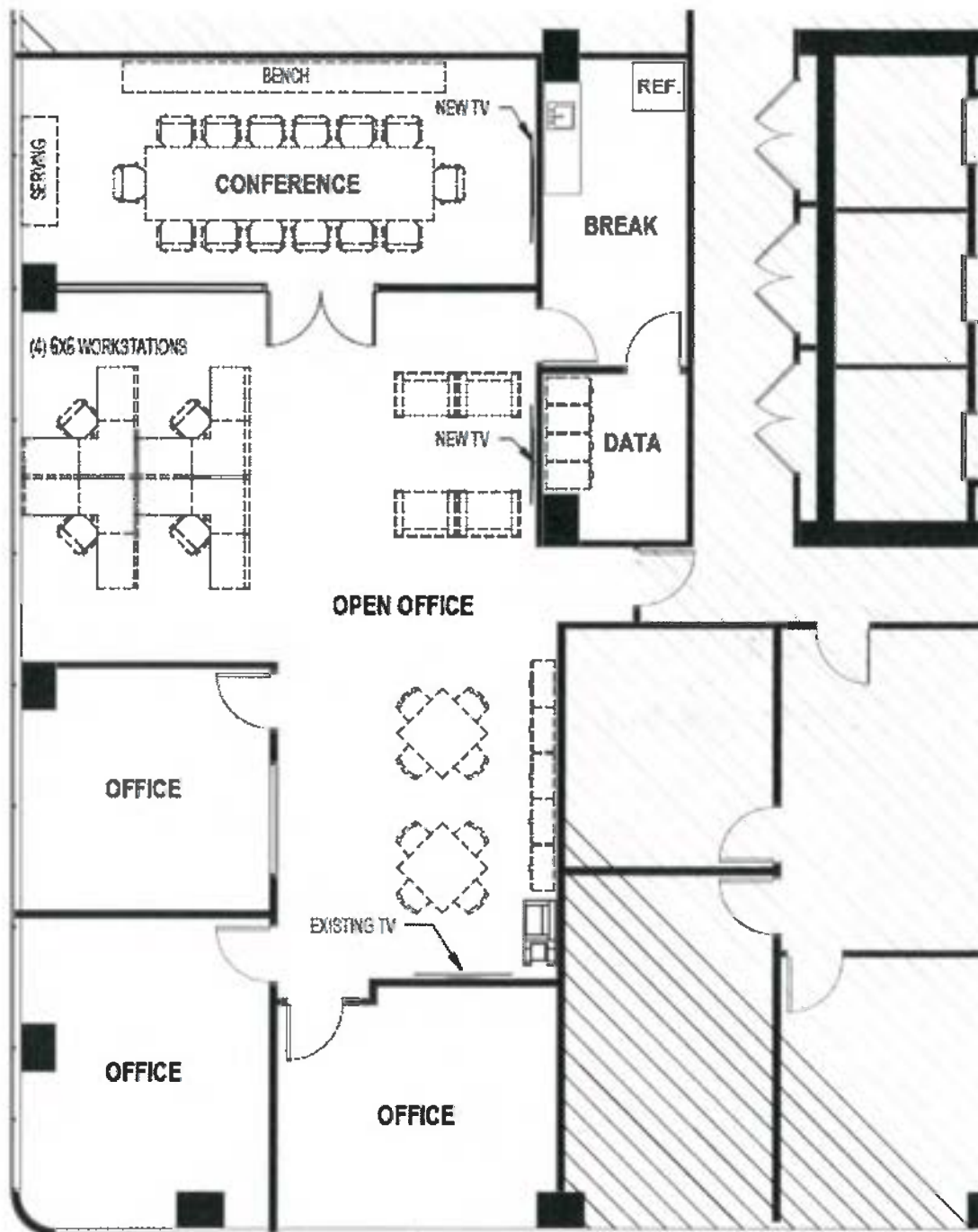
By

Name





Exhibit A



P.O. Box 785  
White Rock, South Carolina 29177



Telephone: (803) 749-2101  
Fax: (803) 407-0885

## Proposal - Contract

**TO:** Capital Center Management  
Attn: Chad Thompson  
1201 Main Street  
Columbia, S.C. 29201

**DATE:** January 2nd, 2018

**JOB:** 11<sup>th</sup> Floor- RCED

---

Demolition, clean-up and disposal	1,240
Drywall, blocking and wall preparation	1,400
Millwork w/ solid surface	3,400
Doors, frame and hardware	1,925
Paint walls, windows, ceiling grid, doors and frames	4,874
Acoustical ceiling**	4,350
Carpet (Allowance \$23 per yard installed)	5,520
Cove base	792
Dishwasher (allowance)	750
HVAC	0
Electrical	5,870
Plumbing	3,750
Sprinkler	1,450
Fire alarm	5,200
Overhead and general expense	<u>6,888</u>
Total \$	47,409

Note- Pricing subject to change with architectural and MEP's

**\*\*Scope for ceiling is caulk and paint grid and new tile.**

Alternate- Leave ceiling as is deduct from above	-5,720
Provide and install a 6" core with HDMI	2,047
Change VAV in conference to 10" due to sun load	3,744

Date:

This quotation is subject to acceptance by

Accepted by:

**TIMMONS CONTRACTING, INC.**

---

This quotation is valid for 30 days unless extended in writing.

This contract constitutes the entire agreement between **TIMMONS CONTRACTING, INC.** and the owner or owner's representative.  
No oral terms or representations shall be considered a part of this agreement. Terms are net 10 days.



## SECOND AMENDMENT TO LEASE AGREEMENT

This Second Amendment to Lease Agreement (the "Second Amendment") is entered into to be effective as of the \_\_\_\_ day of \_\_\_\_\_ 2024, between **HAMILTON CAPITOL CENTER LLC**, a Delaware limited liability company ("**Landlord**") and **RICHLAND COUNTY, SOUTH CAROLINA**, a political subdivision of the State of South Carolina ("**Tenant**").

WHEREAS, U.S. REIF/MJW CAPITOL CENTER FEE, LLC (predecessor in interest to Landlord) and Tenant entered into that certain Lease Agreement dated June 16, 2014 as amended by that certain First Amendment to Lease Agreement dated January 17, 2019 (collectively, the “**Lease**”), for the lease of approximately 2,633 rentable square feet of rentable space in the Capitol Center, Suite 1110, located at 1201 Main Street in the City of Columbia, Richland County, South Carolina (the “**Premises**”); and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to: (i) to modify the Term, (ii) to modify the Base Rent, and (iii) to provide for certain other matters more particularly set forth below.

NOW, THEREFORE, for and in consideration of the mutual promises and provisions contained in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant, intending to be legally bound, agree as follows:

1. **Lease Extension.** The Term of the Lease is hereby extended from the Extension Commencement Date to August 31, 2027 (the “**Additional Extension Period**”).

- ## 2. Rent Amendment.

- (a) Section 1 (i) of the Lease is hereby amended to provide that, during the Additional Extension Period, Tenant shall pay Base Rent in accordance with the following schedule:

<u>Period</u>	<u>Annual Base Rent</u>	<u>Monthly Base Rent</u>	<u>PSF</u>
09/01/24 – 08/31/25	\$63,797.59	\$5,316.47	\$24.23
09/01/25 – 08/31/26	\$65,719.68	\$5,476.64	\$24.96
09/01/26 – 08/31/27	\$67,694.43	\$5,641.20	\$25.71

- (b) During the Additional Extension Period, Tenant shall continue to pay Base Rent Adjustments with respect to Operating Expenses and all other additional rent, Rent and other amounts payable under an in accordance with the Lease to Landlord.

3. Condition of Premises. During the Additional Extension Period, Tenant shall continue to occupy the Premises in its AS IS, WHERE IS, WITH ALL FAULTS condition. Notwithstanding the foregoing, within thirty (30) days following the full execution of this Second Amendment, Landlord shall provide Building Standard touch up paint within certain areas of the Premises as reasonably determined by Landlord.

4. Rules of Construction. No rules of construction against the drafter of this Second Amendment shall apply in any interpretation or enforcement of this Second Amendment. The parties hereto acknowledge and agree that they are sophisticated commercial entities and freely enter into this Second Amendment with the advice and consent of legal counsel of their choosing.

5. Tenant Representations. As of the date of this Second Amendment, Tenant represents and warrants to Landlord as follows: (i) all obligations of Landlord under the Lease have been performed, and no event has occurred and no condition exists that, with the giving of notice or lapse of time or both, would constitute a default by Landlord under the Lease, and (ii) Tenant has no existing defenses, offsets, counterclaims or deductions against Base Rent or any other amounts due from Tenant to Landlord pursuant to the Lease.

6. Brokers. Tenant warrants and represents that it has had no dealings with any broker in connection with the negotiation or execution of this Second Amendment other than CBRE ("Landlord's Broker") represents Landlord's interests in connection with this transaction and shall be paid by Landlord for its services pursuant to a separate, written agreement fully executed by Landlord's Broker and Landlord prior to full execution of this Second Amendment. Except as expressly provided above, Landlord will not be responsible for, and Tenant will indemnify, defend, and hold Landlord harmless from and against, any brokerage or leasing commission or finder's fee claimed by any party in connection with this Second Amendment.

7. Legal Effect. Except as specifically modified herein, all of the covenants, representations, terms, and conditions of the Lease remain in full force and effect and are hereby ratified by Landlord and Tenant.

8. Counterparts. This Second Amendment may be executed in two or more counterparts and shall be deemed to have become effective when and only when one or more of such counterparts shall have been signed by or on behalf of each of the parties hereto (although it shall not be necessary that any single counterpart be signed by or on behalf of each of the parties hereto, and all such counterparts shall be deemed to constitute but one and the same instrument) and shall have been delivered by each of the parties to the other.

9. Defined Terms. All capitalized terms not otherwise specifically defined herein have the same meaning ascribed to them in the Lease.

[signatures appear on following page(s)]



SIGNATURE PAGE FOR  
SECOND AMENDMENT TO LEASE AGREEMENT

IN WITNESS WHEREOF, Landlord and Tenant have executed the foregoing Second Amendment the day and year first above written.

***LANDLORD:***

**HAMILTON CAPITOL CENTER LLC**, a Delaware  
limited liability company

By: \_\_\_\_\_

Name: Malkiel Svei

Its: Authorized Signatory

***TENANT:***

**RICHLAND COUNTY, SOUTH CAROLINA**, a  
political subdivision of the State of South Carolina

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## Richland County Council Request for Action

**Subject:**

Grants & Community Development - 2024 Annual Action Plan

**Notes:**

June 25, 2024 – The Administration & Finance Committee recommends approval of the draft 2024 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD) for the purposes of administering the County's awarded Community Development Block Grant (CDBG), HOME Investment Partnership, and Emergency Solutions Grant (ESG) funds for the period of October 1, 2024 – September 30, 2025.



## Agenda Briefing

Prepared by:	Callison Richardson	Title:	Division Manager
Department:	Grants and Community Outreach	Division:	Community Development
Date Prepared:	June 9, 2024	Meeting Date:	June 25, 2024
Legal Review	Patrick Wright via email	Date:	June 17, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 17, 2024
Finance Review	Stacey Hamm via email	Date:	June 11, 2024
Approved for consideration:		Assistant County Administrator	Aric A Jensen, AICP
Meeting/Committee	Administration & Finance		
Subject	2024 Annual Action Plan for HUD Grants		

### RECOMMENDED/REQUESTED ACTION:

The Community Development Division recommends approval of the draft 2024 Annual Action Plan for submission to U.S. Department of Housing and Urban Development for the purposes of administering the County's awarded Community Development Block Grant (CDBG), HOME Investment Partnership, and Emergency Solutions Grant (ESG) funds for the period of Oct. 1, 2024 - Sept. 30, 2025.

Request for Council Reconsideration: ☐ Yes

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Grant Agreements will be executed following successful submission of the 2024 Annual Action Plan to HUD by August 15, 2024. Budget set up will follow.

The 2024 Annual Action Plan identifies the allocations and proposed Activities for \$1,718,460 in CDBG funds, \$788,164 in HOME funds, and \$151,468 in ESG funds. It has been on display since Friday, June 15th for a 30-Day Public Comment Period. Upon approval, it will be submitted to HUD on or before Tuesday, August 15, 2024.

The performance periods, match requirements, and required caps or set asides are outlined below. Selected projects are found in the attached documents.

### FY24 Community Development Block Grant (CDBG):

Grant Period	October 1, 2024 - September 30, 2031
Match	No match requirement
Admin & Planning Cap	20% of Award
Public Services Cap	15% of Award

#### *FY24 HOME Investment Partnership*

Grant Period	October 2, 2024 - September 30, 2031
Match	25% Match Requirement (sources may include county funds, private developer investments, or in-kind contributions towards a project)
Admin & Planning Cap	10%
CHDO Set Aside	15%

#### *FY24 Emergency Solutions Grant (ESG)*

Grant Period	October 1, 2024 - September 30, 2026
Match	Recipients of grant funds must match with an equal amount of cash and/or noncash contributions, which may include donated buildings, materials and volunteer services.
Admin & Planning Cap	7.5%

*Applicable fund, cost center, and spend category:* Budget set-ups will occur following executed award agreements in fall 2024.

#### **OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

#### **REGULATORY COMPLIANCE:**

The County is required to submit the Annual Action Plan (AAP) to HUD at least 45 days before the start of its program year; the latest submission deadline is August 15, 2024.

To ensure compliance with HUD's regulations, Community Development staff will follow 2 CFR Part 200 regarding the administration of federal grants programs, 2 CFR Part 570 regarding CDBG funds, 2 CFR Part 92 regarding HOME Investment Partnership funds, and 2 CFR Part 576 for Emergency Solutions Grants (ESG). CDBG and HOME funds can only be awarded to sub-recipients located in and/or predominantly serving individuals in unincorporated Richland County. Federal law requires CDBG and HOME funds primarily benefit low-to-moderate-income persons (at 80% of area median income or below). ESG funds are dedicated to homeless support services. All funds are disbursed as reimbursable grants with monitoring by Community Development staff.

#### **MOTION OF ORIGIN:**

There is no Council motion of origin regarding the 2024 Annual Action Plan.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

##### *Annual Action Plan*

The Annual Action Plan (AAP) is used to identify housing, economic development, public services, and community revitalization needs and to develop CDBG, HOME, and ESG budgeting and focus areas for the next annual period. The proposed 2024 Annual Action Plan was developed in line with Richland County's Citizen Participation plan with public notice, two public hearings, and a 30-day public comment period. The plan provides the budgets and selected projects for CDBG, HOME Investment Partnership and ESG funds that will guide the administration and investment of these critical resources for the October 1, 2024-September 30, 2025 grant cycle and beyond.

From February -May 2024, the Community Development division initiated a NOFA process for organizations and agencies to apply for CDBG project funding in each of the designated focus areas through a competitive application process. Selected projects are identified in the plan for Public Services, Public Facilities, and Transitional Housing investments.

Projects for HOME Investment Partnership and ESG Funding will be selected through separate NOFA processes conducted between August and October 2024.

Upon Council approval, the Annual Action Plan will be submitted to the U.S. Department of Housing and Urban Development (HUD) for approval.

The 2024 AAP implements the County's third year of the 2022-2026 Five Year Consolidated Plan, approved in July 2022, which enables the County to continue to receive federal housing and community development funds.

##### *Benefits of Request:*

Each year's AAP budget proposal for the three HUD grants allows the County to continue rehabilitation of existing affordable owner-occupied housing units, investments in affordable housing development through rehabilitation and construction, investment in public facilities and infrastructure, and collaboration with community partners to coordinate development activities and public services as identified in the Five-Year Consolidated Plan.

This request allows the County to continue delivering a wide range of programs and projects to benefit low/mod income residents of Richland County. If denied, the County risks delays or reductions in millions of federal dollars that are vital to the Richland County community.

##### *Budget Details*

Please see Attachment 2 for proposed budget and activity descriptions for CDBG, HOME, and ESG funds.

## *Alternatives*

Option 1 (recommended) - Approve the draft 2024 Annual Action Plan as proposed for submission to HUD by the deadline of August 15, 2024 which allows the County to continue delivering a wide range of programs and projects to benefit low-to-moderate income (LMI) residents of unincorporated Richland County. With CDBG projects already identified in the plan, Environmental Reviews and contracting can take place by the start date of October 1st, ensuring the County has sufficient time to expend funds.

Option 2 - Approve the budget allocations as outlined in the plan, but do not approve the proposed CDBG projects as selected through the competitive grant process. The plan can be submitted with broad categories of funding by the deadline of August 15, 2024; however, Community Development Staff will have to reinitiate a NOFA process for CDBG funding with delayed project start dates and risk not passing the annual CDBG Timeliness Test for expenditure of funds.

Option 3- Do not approve the plans for submission to HUD by the deadline of August 15, 2023 and forego all CDBG, HOME Investment Partnership, and ESF funds for the 2024 year.

## *Previous Actions of Council*

Council approved the Five-Year Consolidated Plan on August 30, 2022. The 2024 Annual Action Plan is aligned with the Consolidated Plan.

## **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

- Goal 1: Foster Good Governance
  - Objective 1.1: Develop realistic and achievable goals
  - Objective 1.4 and 1.5: Collaborate with other governments (Initiatives 1.4.2 and 1.5.1)
- Goal 3: Commit to fiscal responsibility.
  - Objective 3.1: Align budget to priorities and seek alternative revenue sources.
  - Objective 3.2: Establish process to prioritize initiative to align with available resources.
- Goal 4: Plan for growth through inclusive and equitable infrastructure
  - Objective 4.3: Create excellent facilities.
  - Objective 4.4: Provide equitable living and housing options
- Goal 5: Achieve positive public engagement
  - Objective 5.1: Champion the organization through public engagement and communication on County wins
  - Objective 5.2: Foster positive public engagement with constituents and create opportunities to allow us to “tell our own story”
  - Objective 5.3: Complete and celebrate projects to create excitement in the community
  - Objective 5.4: Develop a community engagement plan

The Annual Action Plan makes strategic investments in affordable housing development, minor home repair, transitional housing and affordable childcare access, and services to low and moderate-income families Countywide. It will provide significant opportunities for positive public engagement and communication about County wins. These plans are developed with several periods of public comment and input, so the execution of these plans is an example of citizen voices being heard and making a difference. Community Development staff has set a goal to secure at least half of the 25% match

requirement for new HOME Investment Partnership projects from private developers or in-kind services rather than through the General Fund as has been utilized in previous years.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

The required 30-Day Public Comment Period for the 2024 Annual Action Plan is occurring from June 15 - July 15, 2024. The final Public Hearing will be held on Thursday, June 27th at 6:00 PM in the Council Chambers. All public comments and testimony received orally or in writing will be incorporated into the Annual Action Plan prior to Council approval on July 16th.

**ATTACHMENTS:**

1. 2024 Proposed Budgets for HUD Grants
2. Draft 2024 Annual Action Plan

## Attachment II: Draft 2024 Annual Action Plan - Proposed Budgets for HUD Grants

**Program Year 2024 CDBG, HOME & ESG Budgets for Richland County, SC**

<b>CDBG Funds</b>	\$ 1,718,460.00
<b>HOME Funds</b>	\$ 788,164.00
<b>ESG Funds</b>	\$ 151,468.00
	<b>\$ 2,658,092.00</b>

<b>1 - CDBG General Administration</b>	\$ 343,692.00
<b>2 - Housing Rehabilitation (Operation One Touch &amp; CDBG Rehab)</b>	\$ 175,000.00
<b>3 - Public Facility Improvements</b>	\$ 205,000.00
<b>4 - Public Services</b>	\$ 254,792.00
<b>5 - Transitional Housing Rehabilitation</b>	\$ 312,380.00
<b>6 - Affordable Rental Housing Development</b>	\$ 427,596.00
	<b>\$ 1,718,460.00</b>

<b>7 - HOME General Administration</b>	\$ 78,816.00
<b>8 - CHDO Set-Aside</b>	\$ 118,225.00
<b>9 - Development of Affordable Housing</b>	\$ 591,123.00
<b>10 - Down Payment Assistance</b>	\$ -
	<b>\$ 788,164.00</b>

<b>11 - ESG Administration</b>	\$ 11,360.00
<b>12 -Rapid Re-Housing/Homeless Prevention/HMIS</b>	\$ 91,070.00
<b>13 - Street Outreach/Emergency Shelter</b>	\$ 49,038.00
	<b>\$ 151,468.00</b>

**1 - CDBG General Administration:** Funds will be used for the overall program administration, coordination, monitoring/evaluation, and public information associated with the preparation of the Annual Action Plan and the Consolidated Annual Performance and Evaluation Report (CAPER) and Fair Housing activities.

**2 - Housing Rehabilitation:** Funds will support two signature housing rehabilitation programs, Operation One Touch (OOT) and CDBG Rehab, along with Activity Delivery Costs (i.e. inspections, construction estimation, environmental reviews, oversight and compliance). *Available funds from prior years funds will also be used to support these programs.*

1) Operation One Touch (OOT) - OOT is the county's emergency housing rehab program which provides a 0% interest forgivable loan to assist with urgent minor home repair needs for income eligible homeowners in unincorporated Richland County for installation of roofs, soffit, gutters, electrical upgrades, plumbing, etc.

2) CDBG Rehab - CDBG Rehab is the County's Owner-Occupied Housing Rehab program that partners with qualified non-profit organizations to provide minor home repairs to eligible homeowners in unincorporated Richland County.

**3 - Public Facility Improvements:** Funds will assist **Vital Connections of the Midlands**, a non-profit childcare provider serving LMI households to 1) Acquire the Tender Years Childcare property in Hopkins, SC where the organization has served for 20 years, and 2) provide rehabilitation to both the Tender Years and Arthurtown Childcare Centers including resurfaced parking lots and outdoor play space upgrades. Activity Delivery Costs are included in the allocation.



#### **4 - Public Services:**

**Boys and Girls Club of the Midlands** will receive \$90,000 to expand availability of no-cost, high quality afterschool care and summer care services to LMI families residing in unincorporated Richland County through scholarships for eligible families.

**FoodshareSC** will receive \$39,468 to continue the Neighborshare Program providing fresh food boxes to homebound Seniors and low-income households in unincorporated Richland County.

**Sistercare** will receive \$33,754 to continue outreach, counseling, and support services to Hispanic and Spanish-speaking survivors of domestic violence in unincorporated Richland County.

**Healthy Learners** will receive \$31,500 to continue providing health care services, health screenings (dental, vision, and hearing), and assist families with healthcare expenses through a program for students attending one of 21 identified Title One schools in unincorporated areas of Richland County.

**Unallocated Public Services Funds** - Richland County at this time will not be allocating \$60,000 in CDBG funds. These funds will be allocated to an eligible Public Service activity at a later date.

#### **5 - Transitional Housing Rehabilitation**

**Homeless No More: \$167,380.00** - Rehabilitation of seventeen (17) Transitional Housing units to include replacement of 17 HVAC units and repair of exterior stucco on all buildings.

**Midlands Housing Alliance (Transitions): \$135,000.00** - Four ADA Bathroom upgrades plus interior and exterior rehab on sixteen (16) transitional housing units for Specialized Program for Veterans, Seniors, and those with an active job moving out of homelessness.

Contingency Funds: \$10,000 for Activity Delivery Costs and unanticipated construction-based costs.

**6 - Affordable Rental Housing Development:** This activity will continue an existing County program to acquire and rehabilitate affordable housing for rental activities. Funds may be used for non-profit developers and in conjunction with the Community Housing Development Organization (CHDO).

**7 - HOME General Administration** - Funds will be used for the overall program administration, coordination, monitoring/evaluation, and public information associated with the preparation of the Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER).

**8 - CHDO Set-Aside:** HOME funds will be used to assist a CHDO to increase the number of affordable housing units in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation.

**9 - Development of Affordable Housing** - HOME funds will be used to assist in the development of affordable housing in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation. CDBG funds will be used to pay the program and activity delivery costs associated with implementing the HOME Program.

**10 - Down Payment Assistance:** Funds will be used for a first-time homebuyer program Richland County Homeownership Assistance Program (RCHAP) for county-wide LMI eligible households. No new funds will be allocated in Program Year 2024 to allow for remaining funds from previous years to be utilized

**11 - ESG Administration:** Funds will be used for the overall program administration, coordination, monitoring/evaluation, and public information associated with the ESG program.

**12 - Rapid Re-Housing/Homeless Prevention/HMIS:** Funds will be used for rapid re-housing, homeless prevention, and HMIS system.

**13 - Street Outreach/Emergency Shelter:** Funds will be used for operating expenses and essential services for shelters.



# **RICHLAND COUNTY, SOUTH CAROLINA**

2020 Hampton Street  
Columbia, SC 29201

## **FY 2024 Annual Action Plan**

*For Submission to HUD for the  
Community Development Block Grant, HOME Investment  
Partnership, and Emergency Solutions Grant Programs*

July 16, 2024

Honorable Jesica Mackey  
Chair, County of Richland Council



## Table of Contents

• AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b) .....	2
• PR-05 Lead & Responsible Agencies 24 CFR 91.200(b).....	22
• AP-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(l) and 91.315(l) .....	23
• AP-12 Participation - 91.401, 91.105, 91.200(c) .....	37
• AP-15 Expected Resources – 91.220(c)(1,2) .....	40
• AP-20 Annual Goals and Objectives.....	50
• AP-35 Projects – 91.220(d) .....	50
• AP-38 Project Summary .....	52
• AP-50 Geographic Distribution – 91.220(f).....	62
• AP-55 Affordable Housing – 91.220(g) .....	66
• AP-60 Public Housing – 91.220(h).....	68
• AP-65 Homeless and Other Special Needs Activities – 91.220(i).....	70
• AP-75 Barriers to affordable housing – 91.220(j) .....	74
• AP-85 Other Actions – 91.220(k) .....	76
• AP-90 Program Specific Requirements – 91.220(l)(1,2,4) .....	84



## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

Established in 1785, Richland County is the county seat of South Carolina and is home to over 425,000 residents. Originally centered around agriculture (Richland County is named after the rich farming land used to support large indigo and cotton crops), Richland County is now the second-most populous county in South Carolina and is home to the military community at Fort Jackson, well-regarded educational institutions, and state-of-the-art hospital systems.

According to the 2018-2022 American Community Survey, 42.4% of the County population is White and 47.2% of the population is Black or African American. The County also has a notable and growing Hispanic or Latino community which makes up 5.6% of the population. 16.1% of the County population is in poverty while the median income of \$59,850 is similar to the Statewide median income of \$87,249. Over half of all County residents live in unincorporated areas.

Richland County became a Federal entitlement program grantee in 2002. As an entitlement grantee, Richland County receives an annual share of federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Services Grant (ESG) funds authorized under Title I of the Housing and Community Development Act of 1974, as amended.

**The Richland County Community Development Division of the Grants and Community Outreach Department is responsible for administering CDBG, HOME, and ESG grants for unincorporated areas of the County:**

- Community Development Block Grant (CDBG);
- HOME Investment Partnership (HOME); and
- Emergency Solutions Grant (ESG)

The Annual Action Plan is a guide to how the County will allocate its resources for specific activities that support Richland County's Five-Year Consolidated Goals and Strategies. This is the

third (3<sup>rd</sup>) Annual Action Plan of the FY 2022-2026 Five Year Consolidated Plan. In compliance with HUD regulations, the FY 2024 Annual Action Plan for the period of October 1, 2024 through September 30, 2025. This Annual Action Plan is a strategic plan for the implementation of the County's Federal Programs for housing, community, and economic development.

The FY 2024 Annual Action Plan outlines the actions to be undertaken in Fiscal Year 2024 with the Federal resources received by Richland County. The CDBG Program and activities outlined in this FY 2024 Annual Action Plan will principally benefit low- and moderate-income persons and funding has been targeted to neighborhoods home to the highest percentage of low- and moderate-income residents. The County's previous performance under the CDBG Program was discussed at the First Public Hearings. The Annual Action Plan does not incorporate the Public Housing Comprehensive Grant (Comp Grant) process into the consolidated planning and application process but does require the participation of the public housing authority in the development of the plan.

The FY 2022-2026 Five-Year Consolidated Plan established the County's goals for the next five (5) year period and outlines the specific initiatives the County will undertake to address its needs and objectives by promoting the rehabilitation and construction of decent, safe and sanitary housing, creating a suitable living environment, removing slums and blighting conditions, promoting fair housing, improving public services, expanding economic opportunities, and principally benefitting low- and moderate-income persons.

The Columbia Housing Authority is the designated Housing Authority for Richland County.

**Available Funds:**

During the FY 2024 Program Year, Richland County, SC will receive the following Federal funds:

- CDBG: \$1,718,460.00
- HOME: \$ 788,164.00
- ESG: \$ 151,468.00
- **Total: \$2,658,092.00**

**FY 2024 CDBG, HOME, and ESG Budget:**

Richland County proposes to undertake the following activities with the FY 2024 CDBG Grant, CDBG Program Income, HOME Grant, HOME Program Income, and ESG Program:

**FY 2024 CDBG Budget:**

• <b>CDBG General Administration (20% cap)</b> .....	\$ 343,692.00
• <b>Housing Rehabilitation</b> .....	\$ 175,000.00
• <b>Public Facility Improvements</b> .....	\$ 205,000.00
• <b>Public Service (15% cap)</b> .....	\$ 254,792.00
○ Boys & Girls Club.....	\$ 90,000.00
○ SC Food Share .....	\$ 39,468.00
○ Sistercare .....	\$ 33,754.00
○ Healthy Learners.....	\$ 31,500.00
○ Unallocated Funds .....	\$ 60,000.00
• <b>Transitional Housing Rehabilitation</b> .....	\$ 312,380.00
○ Homeless No More .....	\$ 167,380.00
○ Transitions .....	\$ 135,000.00
○ Contingency Funds.....	\$ 10,000.00
• <b>Affordable Rental Housing Development</b> .....	\$ 427,596.00
• <b>Total CDBG</b> .....	<b>\$1,718,460.00</b>

**FY 2024 HOME Budget:**

• <b>HOME General Administration (10% cap)</b> .....	\$ 78,816.00
• <b>Development of Affordable Housing</b> .....	\$ 591,123.00
• <b>Housing CHDO Set-Aside (15% Requirement)</b> .....	\$ 118,225.00
• <b>Total HOME</b> .....	<b>\$ 788,164.00</b>

**FY 2024 ESG Budget:**

• <b>ESG General Administration</b> .....	\$ 11,360.00
• <b>Rapid Rehousing/Homeless Prevention/HMIS</b> .....	\$ 91,070.00
• <b>Street Outreach/Emergency Shelter (35%)</b> .....	\$ 49,038.00
• <b>Total ESG</b> .....	<b>\$ 151,468.00</b>

**Maps:**

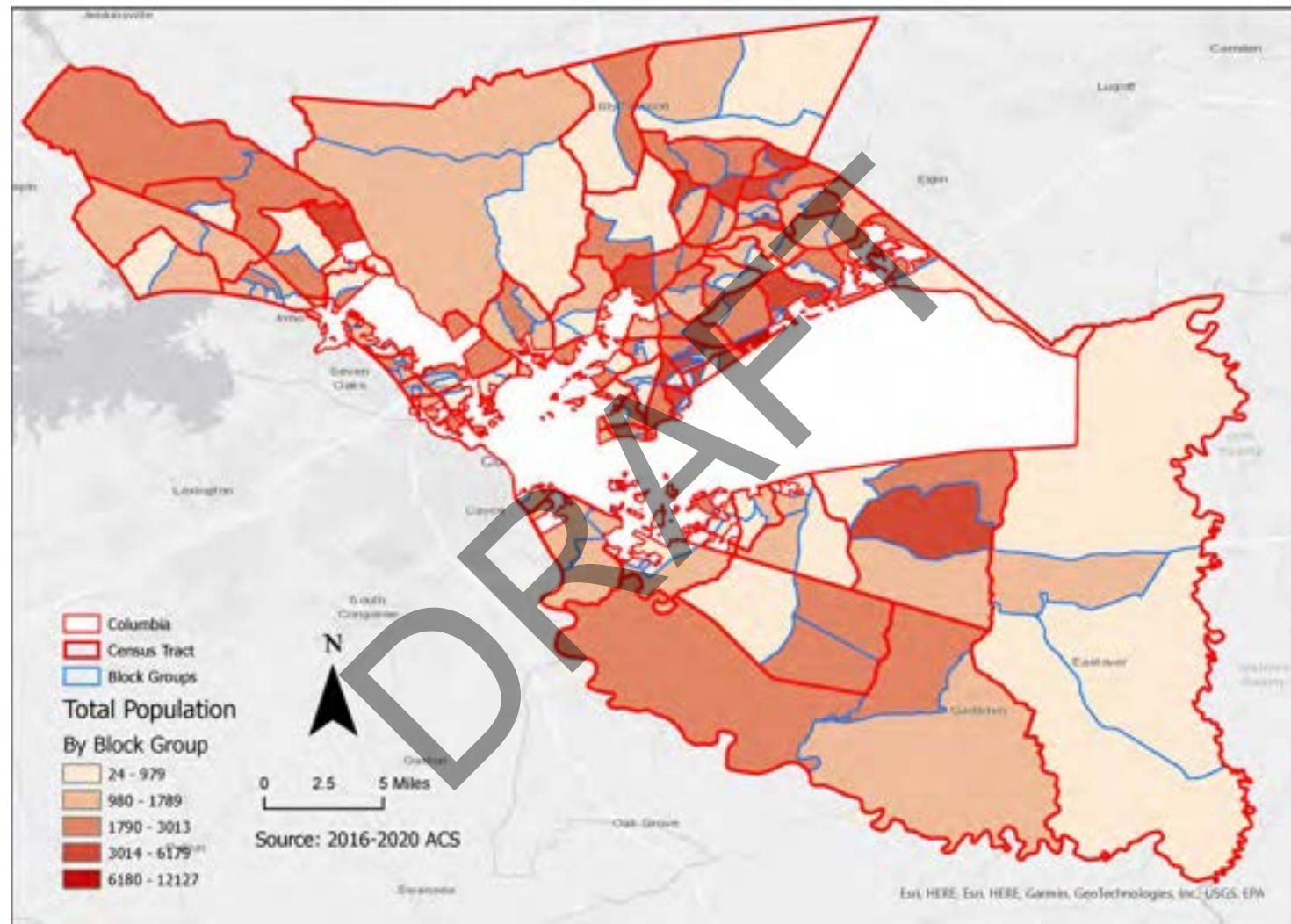
The following maps illustrate the demographic characteristics of Richland County:

- Total Population by Block Group
- Total Population Age 65+ by Block Group
- Percent Population Age 65+ by Block Group
- Percent White Population by Block Group
- Percent Minority Population by Block Group

- Number of Housing Units by Block Group
- Percent Owner-Occupied Housing Units by Block Group
- Percent Renter-Occupied Housing Units by Block Group
- Percent Vacant Housing Units by Block Group
- Low/Moderate Income Percentage by Block Group

DRAFT

## Population By Block Group, Richland County, SC

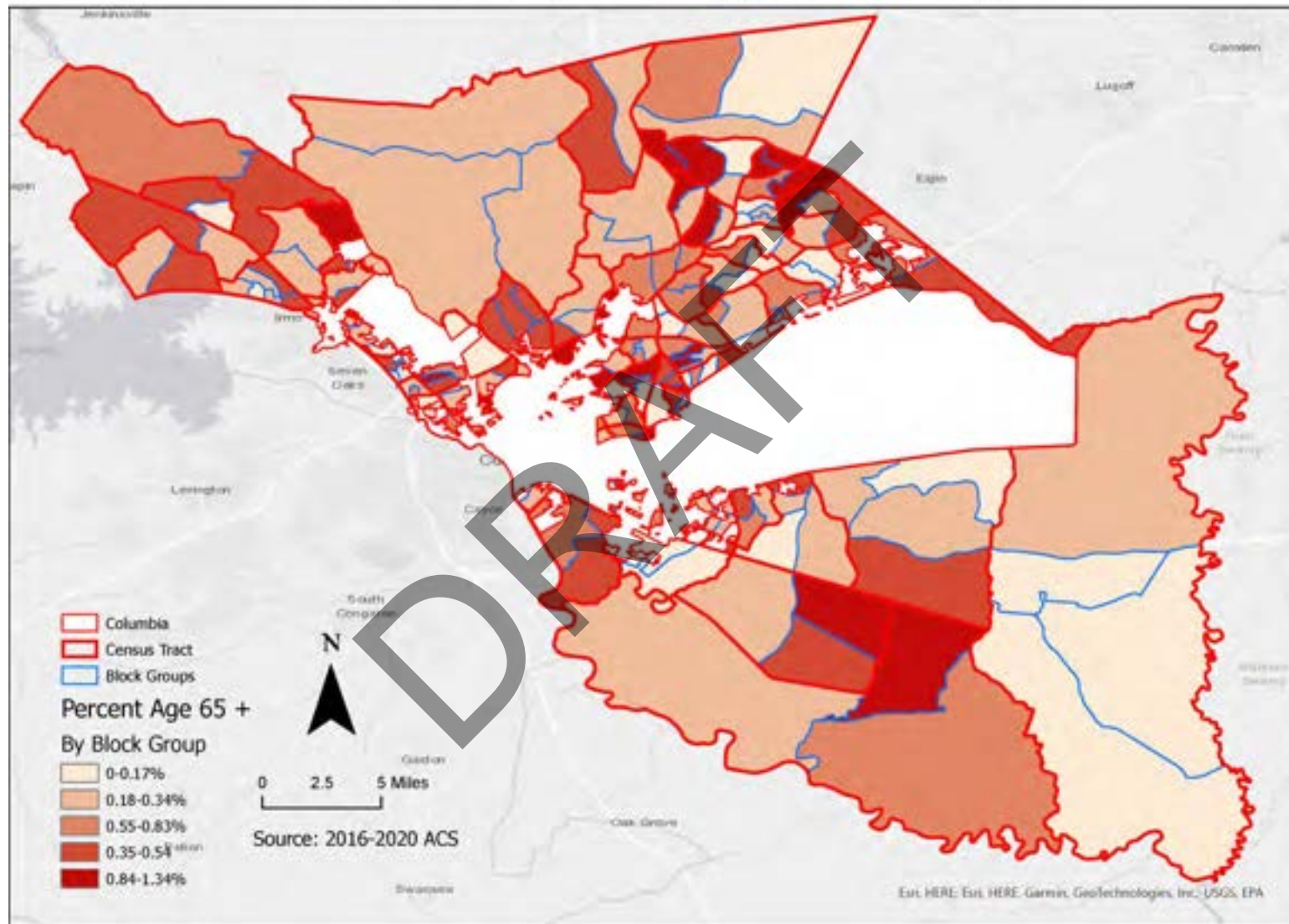


**Total Population by Block Group (Source: 2016-2020 American Community Survey)**





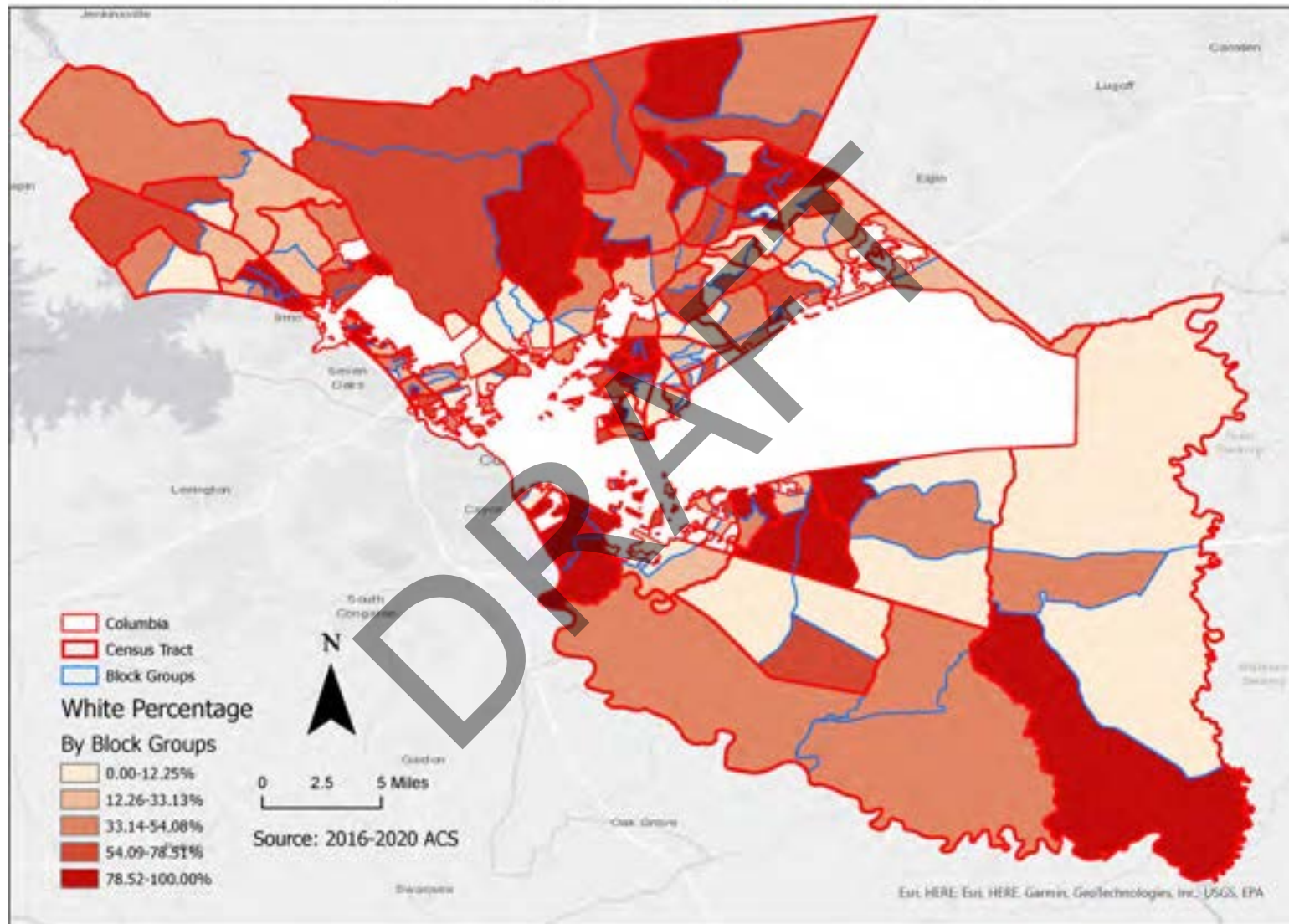
Percent Aged 65 + By Block Group, Richland County, SC



Percent Population Age 65+ by Block Group (Source: 2016-2020 American Community Survey)

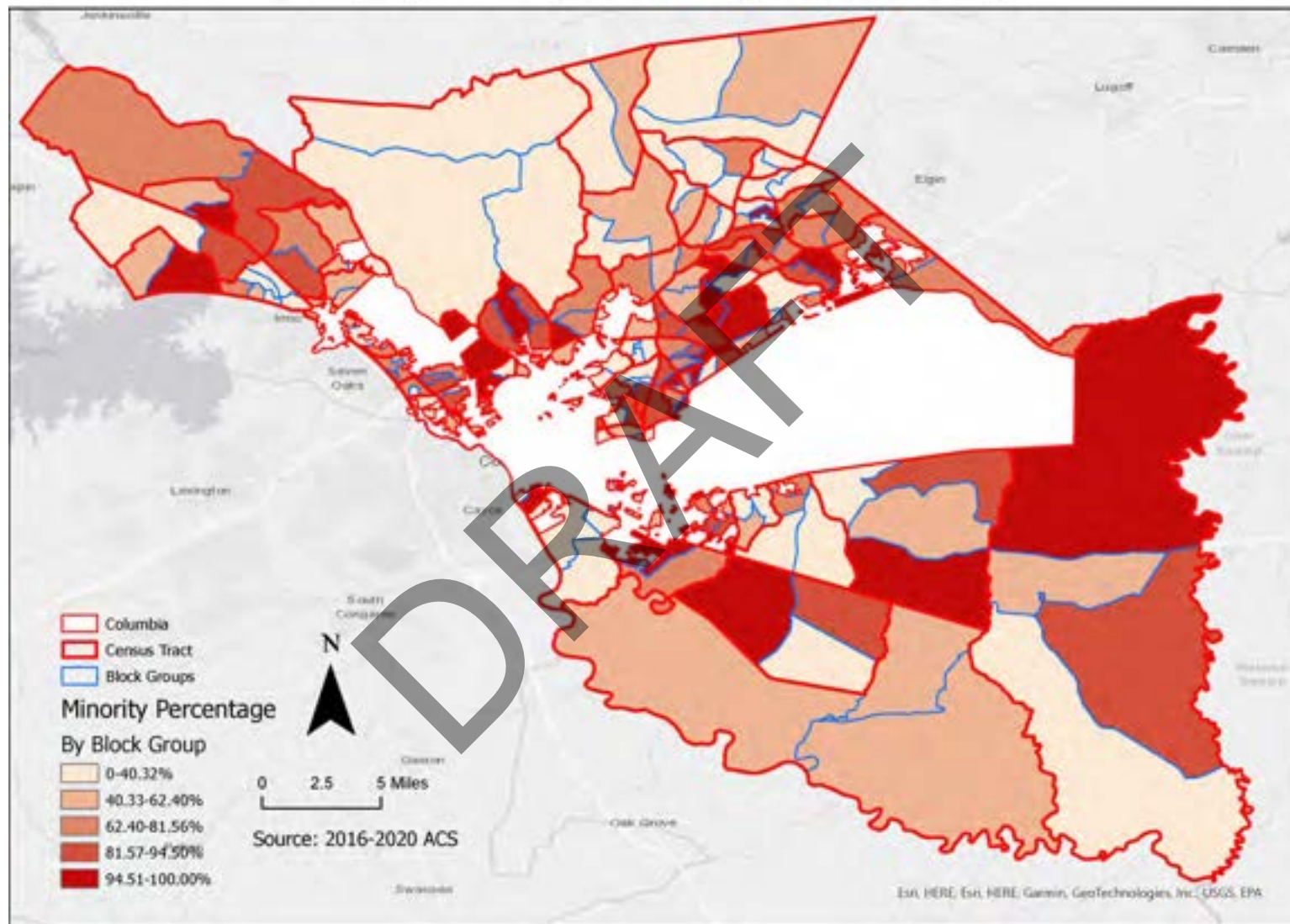


## White Population By Block Group, Richland County, SC



Percent White Population by Block Group (Source: 2016-2020 American Community Survey)

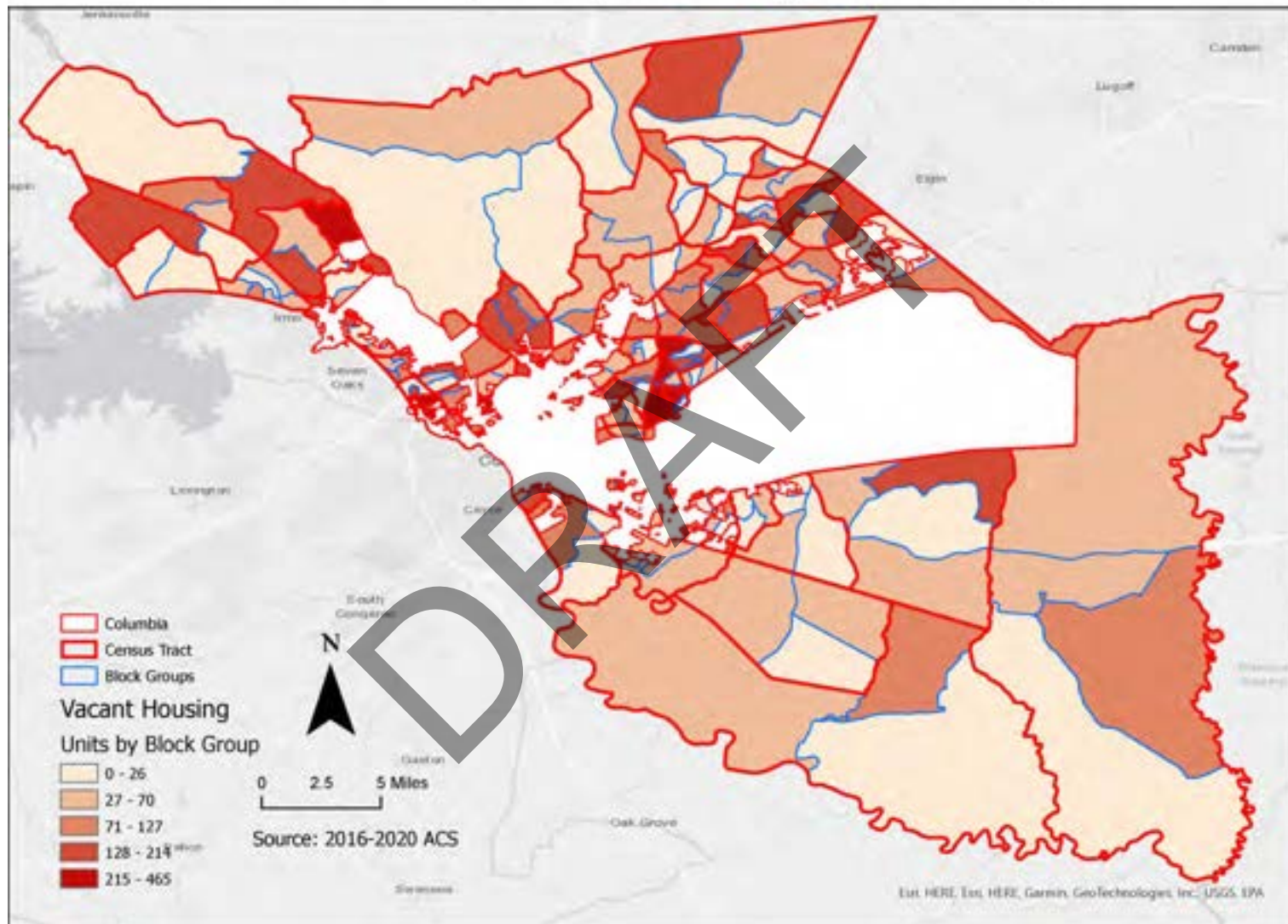
## Minority Population By Block Group, Richland County, SC



Percent Minority Population by Block Group (Source: 2016-2020 American Community Survey)

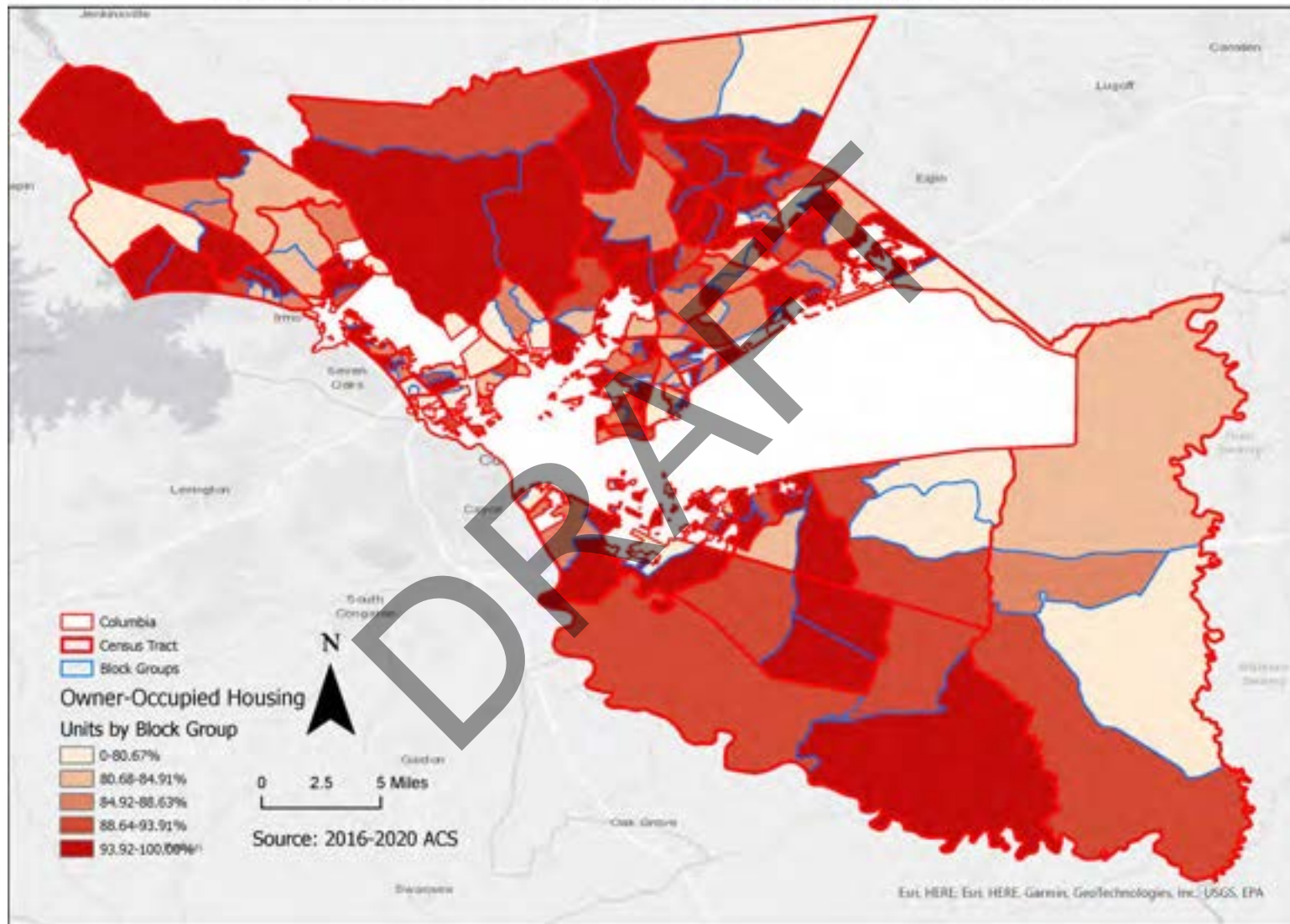


## Number of Housing Units By Block Group, Richland County, SC



Number of Housing Units by Block Group (Source: 2016-2020 American Community Survey)

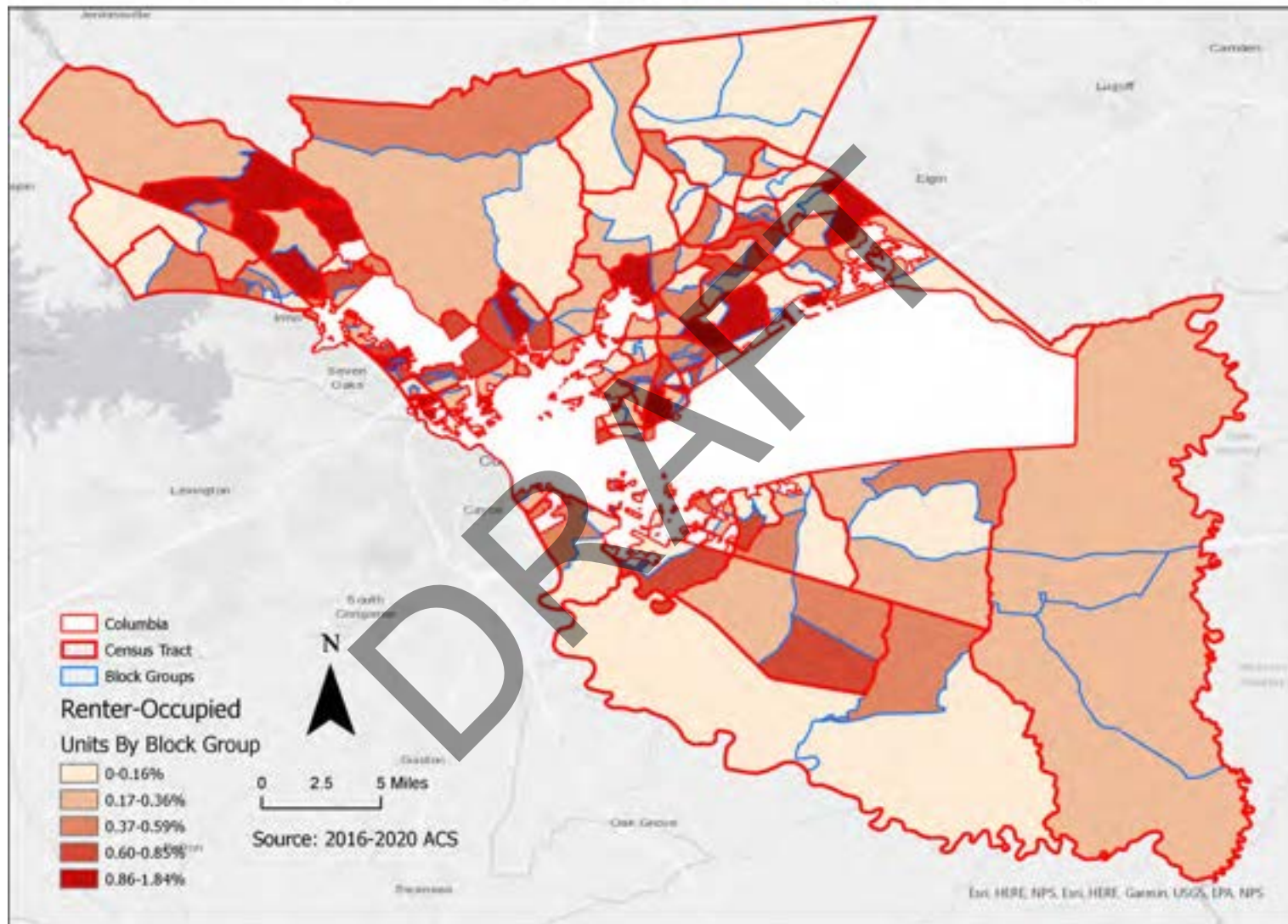
Percent Owner-Occupied By Block Group, Richland County, SC



Percent Owner-Occupied Housing Units by Block Group (Source: 2016-2020 American Community Survey)

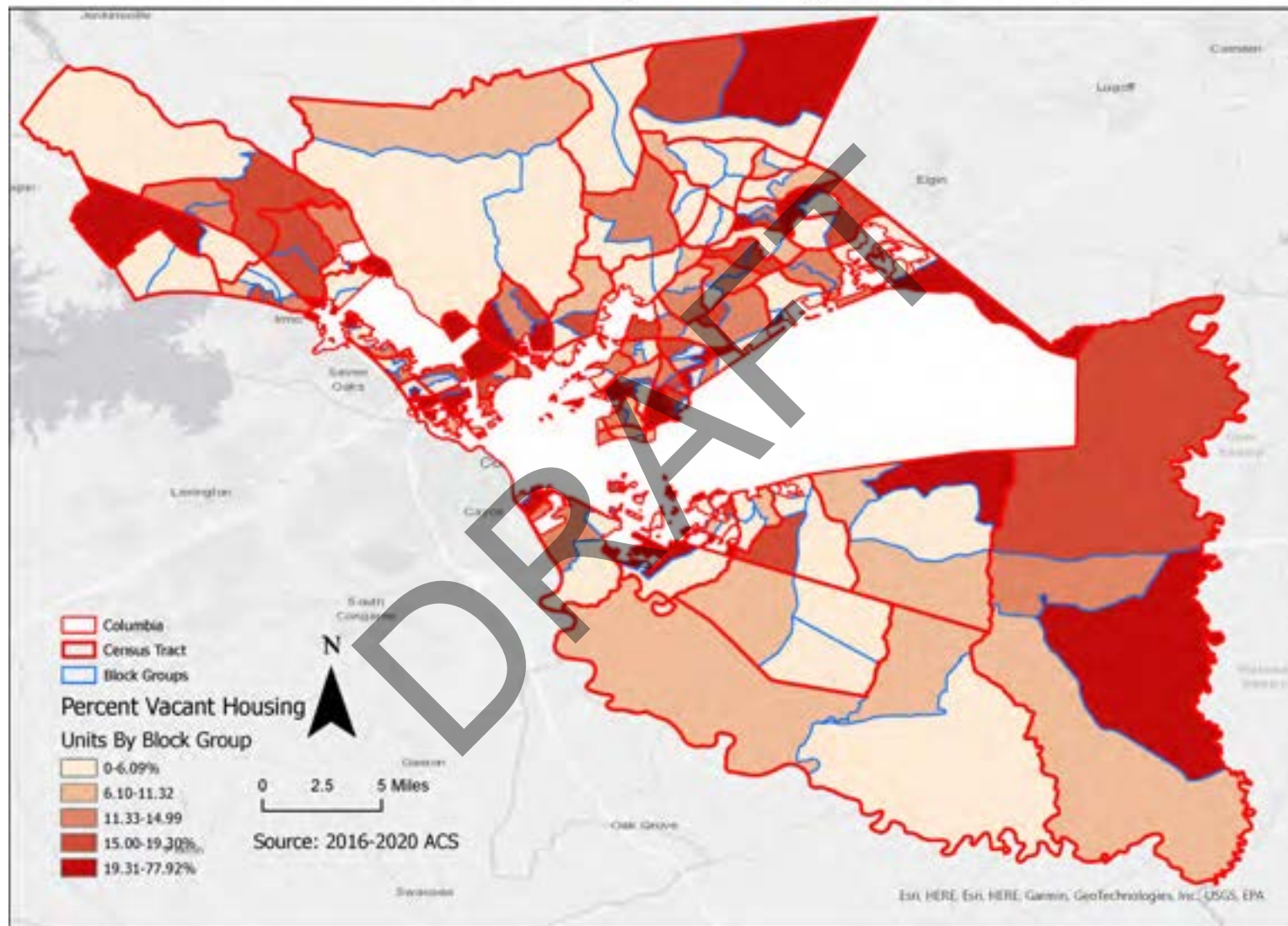


## Renter-Occupied Housing Units By Block Group, Richland County, SC



Percent Renter-Occupied Housing Units by Block Group (Source: 2016-2020 American Community Survey)

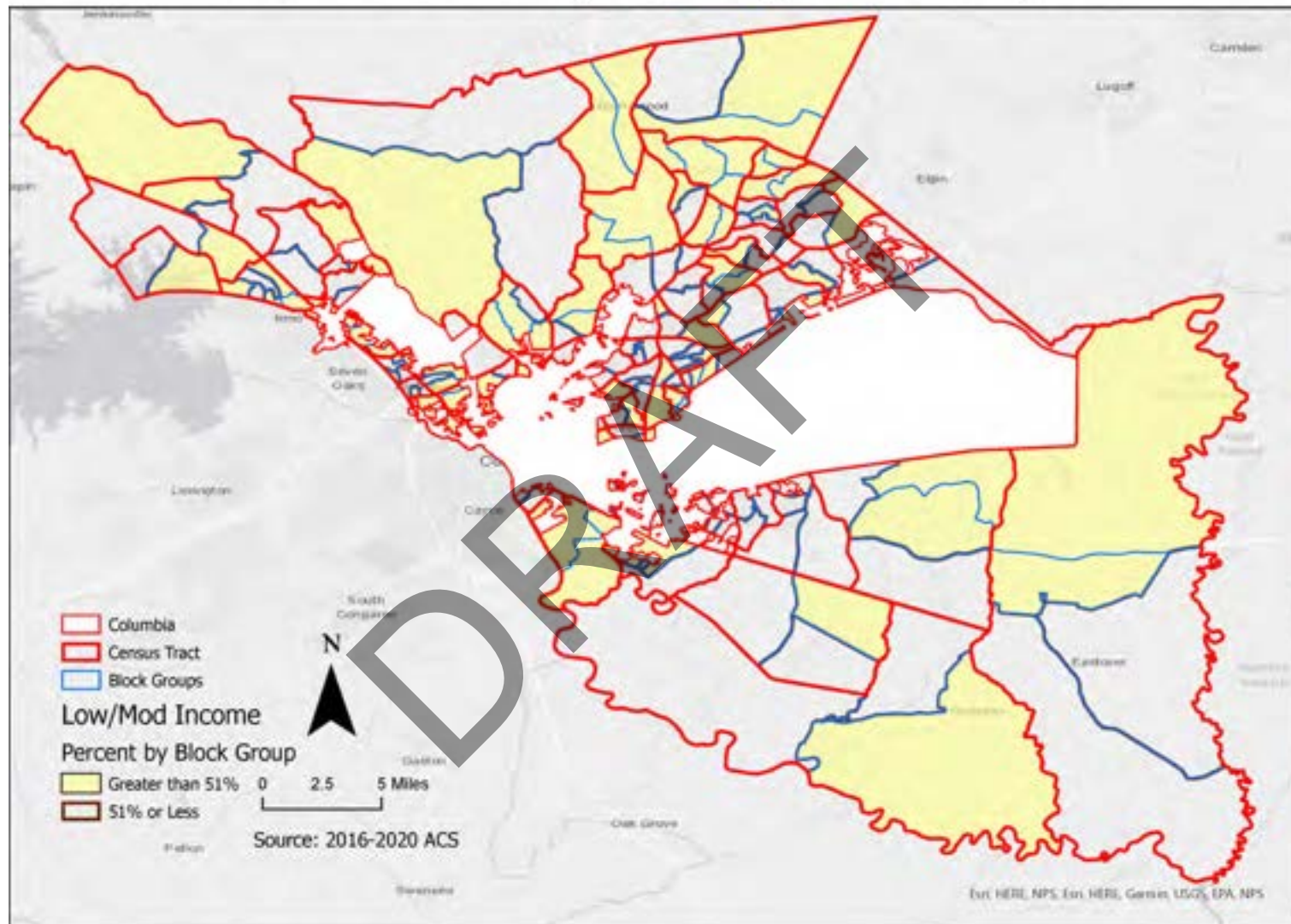
## Percent Vacant Housing Units By Block Group, Richland County, SC



Percent Vacant Housing Units by Block Group (Source: 2016-2020 American Community Survey)



## Low/Moderate Income By Block Group, Richland County, SC



Low/Moderate Income Percentage by Block Group (Source: 2016-2020 American Community Survey)

## 2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

During the FY 2024 Program Year, Richland County proposed to address the following strategies, priority needs, objectives, and goals that have been identified in its FY 2022-2026 Five Year Consolidated Plan:

### **Housing Strategy - (High Priority)**

**Priority Need:** There is a need to increase the supply of affordable housing for homeowners and renters, that is decent, safe and sanitary.

**Objective:** Improve, preserve, and expand the supply of affordable housing for low- and moderate-income persons and families.

#### **Goals:**

- **HSG-1 Homeownership** - Continue to assist low- and moderate-income potential homebuyers to purchase homes through down payment assistance, closing cost assistance, housing rehabilitation assistance and required housing counseling training.
- **HSG-2 Owner-occupied Housing Rehabilitation** - Conserve and rehabilitate existing affordable housing units occupied by low- and moderate-income homeowners in the community by providing financial assistance to addressing code violations, emergency repairs, energy efficiency improvements, and accessibility for persons with disabilities.
- **HSG-3 Housing Construction/Rehabilitation** - Increase the supply of decent, safe and sanitary, and accessible housing that is affordable to both owners and renters in the County by assisting with acquisition, site improvements, development fees, new construction and rehabilitation of vacant buildings.
- **HSG-4 Renter-occupied Rehabilitation** - Provide financial assistance to landlords to rehabilitate affordable housing units for that are rented to low- and moderate-income tenants.
- **HSG-5 Fair Housing** - Promote fair housing choice through education, training and outreach to affirmatively furthering fair housing throughout the County.

### **Homeless Strategy - (High Priority)**

**Priority Need:** There is a continuing need for services and housing opportunities for homeless persons and persons/families at-risk of becoming homeless.

**Objective:** Work with community partners to improve the living conditions and support services available for homeless persons, families, and those who are at risk of becoming homeless.

#### **Goals:**

- **HMS-1 Operation/Support** – Financially assist providers to operate housing and support services for the homeless and persons at-risk of becoming homeless.
- **HMS-2 Prevention and Re-Housing** - Continue to support the prevention of homelessness through anti-eviction activities and programs for rapid re-housing.
- **HMS-3 Housing** - Support the rehabilitation of, including accessibility improvements, for emergency shelters, transitional housing, and permanent housing for the homeless.
- **HMS-4 Continuum of Care** - Support the local Continuum of Care's (CoC) efforts to provide emergency shelter and permanent supportive housing to persons and families who are homeless or who are at risk of becoming homeless.
- **HMS-5 Permanent Housing** - Promote the development of permanent supportive housing for homeless individuals and families.

#### **Other Special Needs Strategy - (High Priority)**

**Priority Need:** There is a need to increase housing opportunities, services, and facilities for persons with special needs.

**Objective:** Improve the living conditions and services for those residents with special needs, including the disabled population.

**Goals:**

- **SNS-1 Housing** - Increase the supply of affordable housing that is accessible, decent, safe, and sanitary for the elderly, persons with disabilities, persons with developmental disabilities, persons with HIV/AIDS, victims of domestic violence, persons recovering from alcohol/drug dependency, and persons with other special needs, through rehabilitation of existing buildings and new construction of housing.
- **SNS-2 Social Services** - Support social service programs and facilities for the elderly, persons with disabilities, persons with developmental disabilities, persons with HIV/AIDS, victims of domestic violence, victims of sexual assault, victims of human trafficking, persons recovering from alcohol/drug dependency, persons recently leaving incarceration, and persons with other special needs.
- **SNS-3 Accessibility** - Improve the accessibility of owner-occupied housing through rehabilitation and support/improve renter occupied housing by making reasonable accommodations for the physically disabled by removing architectural barriers.

#### **Community Development Strategy - (High Priority)**

**Priority Need:** There is a continuing need to upgrade and improve community facilities, infrastructure, public services and revitalize socially and economically distressed neighborhoods in the County.

**Objective:** Improve the community facilities, infrastructure, public services, public safety, and transportation, along with the elimination of blighting influences in the County.

**Goals:**

- **CDS-1 Community Facilities** - Improve parks, recreational facilities, neighborhood facilities, trails and libraries including accessibility improvements to public buildings and all community facilities in the County.
- **CDS-2 Infrastructure** - Improve the public infrastructure through rehabilitation, reconstruction, and new construction of streets; sidewalks; bridges; curbs; share the road and segmented multiuse pathways; storm water management; water system improvements; sanitary sewer system; lighting enhancements; broadband infrastructure; handicap accessibility improvements and removal of architectural barriers.
- **CDS-3 Accessibility Improvements** - Improve the physical and visual accessibility of community facilities, infrastructure, and public buildings.
- **CDS-4 Food Programs** - Provide assistance for food and nutritional programs to address the needs of unemployed, underemployed, and homeless.
- **CDS-5 Public Services** - Improve and enhance public services, programs for youth, the elderly, and persons with disabilities, along with general social/welfare public service programs for low- and moderate-income persons and households.
- **CDS-6 Public Safety** - Improve public safety facilities for fire protection, purchase of new fire equipment, crime prevention, and ability to respond to emergency health and safety situations.
- **CDS-7 Clearance/Demolition** – Remove and eliminate slum and blighting conditions through the demolition of vacant, abandoned and dilapidated structures on a spot basis and/or area-wide basis.
- **CDS-8 Revitalization** - Promote neighborhood revitalization in strategic areas of the County through acquisition, demolition, rehabilitation, code enforcement, infrastructure improvements, new housing construction, public and community facilities improvements, etc.

**Economic Development Strategy - (High Priority)**

**Priority Need:** There is a need to increase opportunities for economic advancement and self-sufficiency, as well as educational (social/life skills) training and empowerment for all residents of the County.

**Objective:** Improve and expand employment opportunities in the County for low- and moderate-income persons and families.

**Goals:**

- **EDS-1 Employment** - Support and encourage new job creation, job retention, workforce development, employment, and job training services for the unemployed and underemployed persons, as well as entrepreneurship and small business development.

- **EDS-2 Financial Incentives/Assistance** - Support and encourage new economic development through local, state, and Federal tax incentives and programs such as Tax Incremental Financing (TIF), real property tax rebate program, Community Development Block Grant and HOME Partnership Program Funds, Section 108 Loan Guarantees, Economic Development Initiative (EDI) funds, Opportunity Zones, New Market Tax Credits, including technical assistance programs and low interest loans, etc.
- **EDS-3 Redevelopment Programs** - Plan and promote the development, redevelopment, and revitalization of economically distressed areas of the County, including vacant and underutilized commercial and industrial sites including underutilized brownfield sites.

#### **Administration, Planning, and Management Strategy - (High Priority)**

**Priority Need:** There is a need for planning, administration, management, and oversight of Federal, State, and local funded programs to address the housing and community and economic development needs.

**Objective:** Provide sound and professional planning, administration, oversight and management of Federal, State, and local funded programs and activities.

#### **Goals:**

- **AMS-1 Overall Coordination** - Provide program management and oversight for the successful administration of Federal, State, and locally funded programs, including planning services for special studies, annual action plans, five-year consolidated plans, substantial amendments, consolidated annual performance and evaluation reports (CAPER), environmental reviews (ERR) and Section 106 clearances (SHPO), fair housing, and compliance with all Federal, State, and local laws and regulations.
- **AMS-2 Special Studies/Management** - Promote new development by providing funds to assist with the preparation of special studies, plans, and management activities related to these activities.
- **AMS-3 Fair Housing** - Provide funds for training, education, outreach, and monitoring to affirmatively further fair housing in the County.

### **3. Evaluation of past performance**

Each year the County prepares its Consolidated Annual Performance and Evaluation Report (CAPER). This report is submitted within ninety (90) days after the start of the new program year. Copies of the CAPER are available for review at the Richland County Office of Community Development website:

<https://www.richlandcountysc.gov/Government/Departments/Community-Development>.

The FY 2022 CAPER, which was the first CAPER for the FY 2022-2026 Five-Year Consolidated Plan, was submitted in IDIS and approved by HUD. In the FY 2022 CAPER, Richland County expended 100% of its CDBG funds to benefit low- and moderate-income persons. The County expended 15% of its funds during the FY 2022 CAPER period on public service, which is at the statutory maximum of 15%. The County expended 20% of its funds during this CAPER period on Planning and Administration, which is at the statutory maximum of 20%. The County was over its required 1.5 maximum drawdown ratio with a drawdown ratio of 2.29.

Richland County met its HOME Match requirements for the FY 2022 Program. Richland County has an excess of matching funds in the amount of \$114,786 for the HOME Program.

#### **4. Summary of citizen participation process and consultation process**

Richland County has followed its Citizen Participation Plan in the planning and preparation of the FY 2024 Annual Action Plan. The County held one (1) Needs Public Hearing on:

- **Thursday, March 7, 2024 at 6:00 PM** – Council Chambers, 2020 Hampton Street, Columbia, South Carolina 29201

The Needs Public Hearing provided the residents, agencies, and organizations with the opportunity to discuss the County's CDBG, HOME, and ESG Programs and to provide suggestions for future CDBG, HOME, ESG Programs priorities and activities. Richland County advertised in one (1) local newspaper, flyers, and on social media. The ad appeared in "The State" on Tuesday, February 27, 2024.

The "Draft" Annual Action Plan was on display for a 30-day period beginning Friday, June 14, 2024. The availability for review of the "draft plan" was advertised in the local newspaper and on social media and the plan was placed on display at Richland County's website: <https://www.richlandcountysc.gov> and hard copies of the plan were available for review at 2020 Hampton Street, Suite 3058, Columbia, South Carolina.

#### **5. Summary of public comments**

The County held the Needs Public Hearing in the Council Chambers on Thursday, March 7, 2024 at 6:00 PM.

The FY 2024 Annual Action Plan was placed on public display and a Public Hearing was held on Thursday, June 27, 2024. Comments that were received at the Public Hearings are included in the attachment section.

## 6. Summary of comments or views not accepted and the reasons for not accepting them

All comments and suggestions received to date, have been accepted and incorporated into the planning documents.

## 7. Summary

During the FY 2024 Program Year, Richland County, South Carolina anticipates the following Federal Financial resources:

- **FY 2024 CDBG Allocation:** \$ 1,718,460.00
- **FY 2024 HOME Allocation:** \$ 788,164.00
- **FY 2024 ESG Allocation:** \$ 151,468.00
- **Total Funds:** **\$ 2,658,092.00**

The main goals of the Five-Year Consolidated Plan and the Annual Action Plans are to improve the living conditions of all residents in Richland County, create a suitable and sustainable living environment, and to address the housing and community development needs of the residents.

During the FY 2024 CDBG, HOME, and ESG Program Year, the County propose to address the following strategies from its Five-Year Consolidated Plan:

- Housing;
- Homelessness;
- Other Special Needs;
- Community Development; and
- Administration, Planning, and Management

The “draft” FY 2024 Annual Action Plan was on public display beginning Friday, June 14, 2024 through Monday, July 15, 2024, at the Richland County website at: <https://www.richlandcountysc.gov> and hard copies of the plan were available for review at 2020 Hampton Street, Suite 3058, Columbia, South Carolina.

The display period started on Friday, June 14, 2024, and ended on Monday, July 15, 2024, for a 30-day display period. A second public hearing was held on Thursday, June 27, 2024 to discuss the proposed activities and solicit citizen comments on the Plan. Upon completion of the comment period, Richland County submitted the FY 2024 Annual Action Plan to the U.S. Department of Housing and Urban Development through IDIS on or before Thursday, August 15, 2024.

## The Process

### PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

*The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.*

Agency Role	Name	Department/Agency
CDBG Administrator	Richland County	Grants & Community Outreach
HOME Administrator	Richland County	Grants & Community Outreach
ESG Administrator	Richland County	Grants & Community Outreach

**Table 1 – Responsible Agencies**

### Narrative

The administering lead agency and administrator is the County's Department of Grants & Community Outreach for the CDBG, HOME, and ESG programs. The Department is responsible for preparing the Five-Year Consolidated Plan, Annual Action Plans, Environmental Review Records (ERR's), the Consolidated Annual Performance Evaluation Reports (CAPER), project monitoring, pay requests, contracting, and oversight of the programs on a day-to-day basis. In addition, Richland County has a private planning consulting firm available to assist the County when needed.

### Consolidated Plan Public Contact Information

Ms. Sarah Harris, MOL  
 Director, Grants & Community Outreach  
 Grants Department  
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 Columbia, SC 29204  
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## **AP-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)**

### **1. Introduction**

While preparing the FY 2024 Annual Action Plan, Richland County consultation with the Columbia Housing Authority, local housing providers, social service agencies, community and economic development organizations, the local Continuum of Care members, local leaders of faith-based organizations, local business representatives, and County department representatives. Input from the meetings and public hearings were used to develop the FY 2024 Annual Action Plan.

**Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).**

Richland County works with the following agencies to enhance coordination:

- **Columbia Housing Authority** - Section 8 Housing Choice Vouchers and improvements to public housing communities
- **Midlands Area Consortium for the Homeless (MACH)** - Continuum of Care to coordinate services for the homeless
- **Social Services Agencies** - funds to improve services to low- and moderate-income persons.
- **Housing Providers** - funds to rehabilitate and develop affordable housing and provide housing options for low- and moderate-income households.
- As part of the CDBG, HOME and ESG application process, local agencies / organizations are invited to submit proposals for CDBG, HOME, and ESG Funds for eligible activities. These groups participate in the planning process by attending the public hearings, stakeholder consultations, and submission of funding applications.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

The Midlands Area Consortium for the Homeless (MACH) was awarded \$4,750,787 for its Tier 1 FY 2023 Continuum of Care Application. The following is a breakdown of the Tier 1 awards:

- **Housing Development Corporation of Rock Hill RRH Renewal .....** \$ 35,856.00

• <b>Mental Illness Recovery Center, Inc.:</b>	
○ Home Base I and II 2023 .....	\$ 727,237.00
○ Home Base III and IV 2023 Renewal .....	\$ 342,884.00
○ Housing First for Unaccompanied Youth 2023 .....	\$ 73,254.00
○ MIRCI Housing First 2023 .....	\$ 345,134.00
○ MIRCI PH for Chronic Homeless 2023 .....	\$ 194,069.00
○ MIRCI SHP 2023 .....	\$ 311,886.00
• <b>Midlands Housing Alliance, Inc. RRH Renewal PY24-25 .....</b>	<b>\$ 97,363.00</b>
• <b>One-Eighty Place Rapid Re-Housing MACH 23 .....</b>	<b>\$ 254,984.00</b>
• <b>Palmetto Place Children's Emergency Shelter Unaccompanied Youth JT PH/RRH Project 2023 .....</b>	<b>\$ 95,712.00</b>
• <b>Safe Passage, Inc. Rapid Rehousing Program.....</b>	<b>\$ 298,636.00</b>
• <b>Sistercare, Inc.:</b>	
○ Permanent Housing and Supportive Services for Disabled Domestic Violence Victims.....	\$ 361,423.00
○ Sistercare Rapid Rehousing Program.....	\$ 338,033.00
• <b>The Housing Authority of the City of Columbia, SC</b>	
○ FY 2023 CHASC Disable Grant.....	\$ 349,393.00
○ FY 2023 CHASC Expansion Grant.....	\$ 159,264.00
○ FY 2023 CHASC Expansion Plus Grant.....	\$ 68,155.00
○ FY 2023 CHASC PSH Chronic Grant.....	\$ 263,443.00
• <b>United Way of the Midlands:</b>	
○ HMIS Renewal SC-502 FY 2023.....	\$ 118,133.00
○ <u>SC-502 CoC Planning Application FY 2023 .....</u>	<u>\$ 315,928.00</u>
• <b>Total:.....</b>	<b>\$ 4,750,787.00</b>

Richland County is a partner in the Midlands Area Consortium for the Homeless and provides a number of programs and services meant to serve and house the homeless and at-risk population in the County using CDBG, HOME, and ESG funding.

Through MACH, Richland County coordinates with over fifty local public, private, non-profit and faith-based partner organizations to address the varied needs of the County's homeless and at-risk population, including youth, families, veterans, and those with mental health issues.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS**

Richland County, in 2024 will receive a Emergency Solutions Grant (ESG) allocation. Richland County has transferred the administrative role of HMIS grants to the United Way of the

Midlands. The County worked with the United Way of the Midlands to form a Midlands Housing Trust Fund (MHTF) program to assist with maintaining the affordability of housing for low- to moderate-income citizens by use of general County discretionary funds. Through these efforts, Richland County assists the MHTF to close the gap on affordable housing and other needs to end chronic homelessness in the Midlands. These efforts also provide gap financing and incentives to nonprofits and developers to create affordable housing for low- and moderate-income populations.

- 2. Describe Agencies, groups, organizations, and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities**

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**Table 2 – Agencies, groups, organizations who participated**

1.	Agency/Group/Organization	Midlands Area Consortium for the Homeless (MACH)
	Agency/Group/Organization Type	Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Families with children Anti-poverty Strategy Community Development Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
2.	Agency/Group/Organization	Richland County Council
	Agency/Group/Organization Type	Civic Leaders Other Government- County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Non-housing Community Development Strategy Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	One member of the County Council was consulted for their input on the needs and goals for Richland County.
3.	Agency/Group/Organization	Columbia Housing Authority
	Agency/Group/Organization Type	Public Housing Agency (PHA) Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Non-housing Community Development Strategy Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
4.	Agency/Group/Organization	Town of Irmo, SC
	Agency/Group/Organization Type	Civic Leaders Other Government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Non-housing Community Development Strategy Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
5.	Agency/Group/Organization	Town of Blythewood, SC
	Agency/Group/Organization Type	Civic Leaders Other Government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Non-housing Community Development Strategy Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
6.	Agency/Group/Organization	CASA
	Agency/Group/Organization Type	Services - Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Market Analysis Anti-poverty Strategy Community Development Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for the Richland County.
7.	Agency/Group/Organization	Richland County Emergency Services Department
	Agency/Group/Organization Type	Other Government- County Agency- Emergency Management
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Market Analysis Anti-poverty Strategy Community Development Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
8.	Agency/Group/Organization	<b>Richland County Utilities Department</b>
	Agency/Group/Organization Type	Other Government- County Agency - Management of Public Land or Water Resources
	What section of the Plan was addressed by Consultation?	Community Development Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
9.	Agency/Group/Organization	<b>Mental Illness Recovery Center, Inc. (MIRCI)</b>
	Agency/Group/Organization Type	Services - Housing Services - Children Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homelessness Needs- Unaccompanied Youth Non-Homeless Special Needs Market Analysis Anti-poverty Strategy Community Development Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.

10.	<b>Agency/Group/Organization</b>	<b>Catholic Charities</b>
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services - Children Services - Elderly Persons Services - Persons with Disabilities Services - Persons with HIV/AIDS Services - Victims of Domestic Violence Services - Homeless Services - Health Services - Employment Services - Victims Regional Organization Planning Organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Was consulted for their input on the needs and goals for Richland County.
11.	<b>Agency/Group/Organization</b>	<b>Homeless No More</b>
	<b>Agency/Group/Organization Type</b>	Housing Services- Homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Was consulted for their input on the needs and goals for Richland County. Homeless No More applied for and was granted FY 2024 CDBG funding.

12.	Agency/Group/Organization	Live Oak Place
	Agency/Group/Organization Type	Housing Services- Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
13.	Agency/Group/Organization	Family Promise of the Midlands
	Agency/Group/Organization Type	Housing Services- Homeless Services - Children Services- Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
14.	Agency/Group/Organization	Santee Lynch Affordable Housing
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.



15.	Agency/Group/Organization	<b>Sisters of Charity Foundation</b>
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Persons with Disabilities Services - Persons with HIV/AIDS Services - Victims of Domestic Violence Services - Homeless Services - Health Services - Education Services - Victims Regional Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
16.	Agency/Group/Organization	<b>Cooperative Ministries</b>
	Agency/Group/Organization Type	Services - Health Services - Education Services - Employment
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community Development Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
17.	Agency/Group/Organization	<b>Harvest Hope Food Bank</b>
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Health Services - Education Regional Organization

	What section of the Plan was addressed by Consultation?	Homelessness Needs - Families with Children Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
18.	Agency/Group/Organization	Foodshare SC
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Health Services - Education Regional Organization
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County. Foodshare SC applied for and was granted FY 2024 CDBG funding.
19.	Agency/Group/Organization	Home Works
	Agency/Group/Organization Type	Housing Services - Housing Services - Elderly Persons Services - Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
20.	Agency/Group/Organization	Central SC Habitat for Humanity
	Agency/Group/Organization Type	Housing Services - Housing Services - Education Regional Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
21.	Agency/Group/Organization	Reconciliation Ministries
	Agency/Group/Organization Type	Services - Housing Services - Health Other: Religious Organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
22.	Agency/Group/Organization	Pathways to Healing
	Agency/Group/Organization Type	Services - Victims of Domestic Violence Services - Education Services - Victims Health Agency Regional Organization Other: Services - Victims of Sexual Assault Other: Services - Legal
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
23.	Agency/Group/Organization	Vital Connections of the Midlands
	Agency/Group/Organization Type	Services-Children Services-Education Regional organization
	What section of the Plan was addressed by Consultation?	Homeless Needs-Families with children Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County. Vital Connections applied for and was granted FY 2024 CDBG funding.
	Agency/Group/Organization	Boys and Girls Club of the Midlands

	<b>Agency/Group/Organization Type</b>	Services-Children Services-Education Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs-Families with children Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Was consulted for their input on the needs and goals for Richland County. The Boys and Girls Club applied for and was granted FY 2024 CDBG funding.
	<b>Agency/Group/Organization</b>	<b>Epworth Children's Home</b>
	<b>Agency/Group/Organization Type</b>	Services-Housing Services-Children Services-Persons with Disabilities Services-Victims of Domestic Violence Services-Homeless Services-Victims Health Agency Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Needs-Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Was consulted for their input on the needs and goals for Richland County. Epworth Children's Home applied for but was not allocated a grant for FY 2024 CDBG funds.
	<b>Agency/Group/Organization</b>	<b>Sistercare</b>
	<b>Agency/Group/Organization Type</b>	Services-Housing Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-Health Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs-Families with children Homelessness Strategy Non-Homeless Special Needs Community Development Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County. Sistercare applied for and was granted FY 2024 CDBG funding.
	Agency/Group/Organization	Transitions Homeless Center (div of Midlands Housing Alliance)
	Agency/Group/Organization Type	Services-Housing Services-Children Services-Elderly Persons Services-Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs-Chronically homeless Homeless Needs-Families with children Homelessness Needs-Veterans Homelessness Needs-Unaccompanied youth Homelessness Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County. Transitions Homeless Center applied for and was granted FY 2024 CDBG funding.
	Agency/Group/Organization	Central Midlands Council of Governments
	Agency/Group/Organization Type	Planning Organization Regional Organization Agency - Managing Flood Prone Areas Agency - Emergency Management Civic Leaders
	What section of the Plan was addressed by Consultation?	Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.
	Agency/Group/Organization	AT&T
	Agency/Group/Organization Type	Services - Broadband Internet Service Providers
	What section of the Plan was addressed by Consultation?	Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Was consulted for their input on the needs and goals for Richland County.

**Identify any Agency Types not consulted and provide rationale for not consulting**

All agency types were consulted and contacted during the planning process.

**Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Midlands Area Consortium for the Homeless	They are incorporated in the FY 2022-2026 Five Year Consolidated Plan and the Annual Action Plans
Vision 2030	Columbia Housing Authority	They are incorporated in the FY 2022-2026 Five Year Consolidated Plan and the Annual Action Plans
2021 Hazard Mitigation Plan	Central Midlands Council of Governments	They are incorporated in the FY 2022-2026 Five Year Consolidated Plan and the Annual Action Plans

**Table 3 – Other local / regional / federal planning efforts**

**Narrative (optional):**

The County's Grants & Outreach coordinates with the County Council and other County departments.

As the administering agency for the CDBG, HOME, and ESG programs, the County maintains coordination with other County departments to address infrastructure, code enforcement, and public safety needs.

**AP-12 Participation - 91.401, 91.105, 91.200(c)****1. Summary of citizen participation process/Efforts made to broaden citizen participation**

*Summarize citizen participation process and how it impacted goal-setting*

The FY 2024 Annual Action Plan has components to reach out and encourage citizen participation. These components are the following: meetings with various stakeholders; a needs public hearing; and a hearing to gather public comments on the draft plan while it was on display was also held. The County posted the plan on its County website. A copy of comments received are included as attachments in the Appendix section of the plan. Through the citizen participation process, the County used input from residents to develop a plan to serve the low- and moderate-income population of Richland County.

The County has followed its approved Citizens Participation Plan to develop its FY 2024 Annual Action Plan.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1.	<b>Newspaper Ad</b>	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Agencies and Organizations	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.
2.	<b>Public Meeting</b>	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Agencies and Organizations	Richland County held a Public Hearing in the Council Chambers on Thursday, March 7, 2024 concerning the development of the FY 2024 Annual Action Plan.	Comments from participants are in the attachments section of the FY 2024 Annual Action Plan	None.	Not Applicable.
3.	<b>Internet Outreach</b>	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Agencies and Organizations	None.	None.	None.	<a href="https://www.richlandcountysc.gov">https://www.richlandcountysc.gov</a>



4.	<b>Newspaper Ad</b>	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Agencies and Organizations	None.	None.	Not Applicable.	Not Applicable.
5.	<b>Public Hearing</b>	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Agencies and Organizations	The County held its second public hearing on Thursday, June 27, 2024, to discuss the draft FY 2024 Annual Action Plan.	See Second Public Hearing comments in the Appendix section of the FY 2024 Annual Action Plan.	Not Applicable.	Not Applicable.

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

Richland County is receiving \$1,718,460 from its CDBG allocation, \$788,164 from its HOME allocation, and \$151,468 from its ESG Allocation for the FY 2024 program year. The program year goes from October 1, 2024 through September 30, 2025. These funds will be used to address the following strategies:

- Housing Strategy (HSG);
- Homeless Strategy (HMS);
- Other Special Needs Strategy (SNS);
- Community Development Strategy (CDS); and
- Administration, Planning, and Management Strategy (AMS).

The yearly accomplishments of these projects/activities are reported in the FY 2024 Consolidated Annual Performance and Evaluation Report (CAPER).

**Anticipated Resources**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
<b>CDBG</b>	Public federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,718,460	0	0	1,718,460	3,334,010	6 projects/activities were funded based on FY 2024 CDBG allocations.
<b>HOME</b>	Public federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	788,164	0	0	788,164	1,741,990	3 projects/activities were funded based on FY 2024 HOME allocations.
<b>ESG</b>	Public federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	151,468	0	0	151,468	295,178	1 projects/activities were funded based on FY 2024 ESG allocations.

**Table 5 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

**Other Public Funds:**

Richland County is anticipating that it will receive additional financial resources to address the needs identified in the Five Year Consolidated Plan.

**HOME Match:**

- Richland County has excess HOME Match funds from previous years in the amount of \$114,786 as reported in the FY 2022 CAPER. Richland County will have additional HOME Match from bond funds, Federal Home Loan Bank, and other private funds during this program year.

**ESG Match Requirement:**

Richland County will have \$151,468 in ESG Match during this program year. The ESG Match will come from local and state funds, as well as donations and grants to the ESG sub-grantees.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Not applicable. The County does not intend to use, acquire or improve any publicly owned land or property using CDBG funds to address the needs identified in the County's Consolidated Plan unless required to improve existing public infrastructure and facilities.

## Discussion

The Midlands Area Consortium for the Homeless (MACH) was awarded \$4,750,787 for its Tier 1 FY 2023 Continuum of Care Application. The following is a breakdown of the Tier 1 awards:

• <b>Housing Development Corporation of Rock Hill RRH Renewal</b> .....	\$ 35,856.00
• <b>Mental Illness Recovery Center, Inc.:</b>	
○ <b>Home Base I and II 2023</b> .....	\$ 727,237.00
○ <b>Home Base III and IV 2023 Renewal</b> .....	\$ 342,884.00
○ <b>Housing First for Unaccompanied Youth 2023</b> .....	\$ 73,254.00
○ <b>MIRCI Housing First 2023</b> .....	\$ 345,134.00
○ <b>MIRCI PH for Chronic Homeless 2023</b> .....	\$ 194,069.00
○ <b>MIRCI SHP 2023</b> .....	\$ 311,886.00
• <b>Midlands Housing Alliance, Inc. RRH Renewal PY24-25</b> .....	\$ 97,363.00
• <b>One-Eighty Place Rapid Re-Housing MACH 23</b> .....	\$ 254,984.00
• <b>Palmetto Place Children's Emergency Shelter Unaccompanied Youth JT PH/RRH Project 2023</b> .....	\$ 95,712.00
• <b>Safe Passage, Inc. Rapid Rehousing Program</b> .....	\$ 298,636.00
• <b>Sistercare, Inc.:</b>	
○ <b>Permanent Housing and Supportive Services for Disabled Domestic Violence Victims</b> .....	\$ 361,423.00
○ <b>Sistercare Rapid Rehousing Program</b> .....	\$ 338,033.00
• <b>The Housing Authority of the City of Columbia, SC</b>	
○ <b>FY 2023 CHASC Disable Grant</b> .....	\$ 349,393.00
○ <b>FY 2023 CHASC Expansion Grant</b> .....	\$ 159,264.00
○ <b>FY 2023 CHASC Expansion Plus Grant</b> .....	\$ 68,155.00
○ <b>FY 2023 CHASC PSH Chronic Grant</b> .....	\$ 263,443.00
• <b>United Way of the Midlands:</b>	
○ <b>HMIS Renewal SC-502 FY 2023</b> .....	\$ 118,133.00
○ <b>SC-502 CoC Planning Application FY 2023</b> .....	\$ 315,928.00
• <b>Total:</b>	<b>\$ 4,750,787.00</b>

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1.	HSG-2 Owner-occupied Housing Rehabilitation	2022	2026	Affordable Housing	Low/Mod Area Countywide	Housing Strategy	CDBG: \$175,000 HOME: \$0	Homeowner Housing Rehabilitated: 25 Household Housing Unit
2.	HSG-3 Housing Construction/Rehabilitation	2022	2026	Affordable Housing	Low/Mod Area Countywide	Housing Strategy	CDBG: \$427,596 HOME: \$709,348	Housing units constructed: 5 Household Housing Unit  Rental units constructed: 4 Household Housing Unit
3.	HSG-5 Fair Housing	2022	2026	Affordable Housing	Low/Mod Area Countywide	Housing Strategy	CDBG: \$0 HOME: \$0	Other: 1 Other

4.	HMS-1 Operation/Support	2022	2026	Homeless	Low/Mod Area Countywide	Homeless Strategy	CDBG: \$0 HOME: \$0 ESG: \$49,038	Public Service activities other than Low/Moderate Income Housing Benefit: 0 Persons Assisted  Tenant-based rental assistance / Rapid Rehousing: 0 Households Assisted  Overnight/Emergency Shelter/Transitional Housing Beds added: 0 Beds  Other: 1 Other
5.	HMS-2 Prevention and Re-Housing	2022	2026	Homeless	Low/Mod Area Countywide	Homeless Strategy	CDBG: \$0 ESG: \$91,070	Other: 4 Others
6.	HMS-3 Housing	2022	2026	Homeless	Low/Mod Area Countywide	Homeless Strategy	CDBG: \$312,380	Rental units rehabilitated: 33 Household Housing Unit
7.	SNS-2 Social Services	2022	2026	Non-Homeless Special Needs	Low/Mod Area Countywide	Other Special Needs Strategy	CDBG: \$33,754	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted

8.	CDS-1 Community Facilities	2022	2026	Non-Housing Community Development	Low/Mod Area Countywide	Community Development Strategy	CDBG: \$205,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 105 Persons Assisted  Other: 2 Others
9.	CDS-4 Food Programs	2022	2026	Non-Housing Community Development	Low/Mod Area Countywide	Community Development Strategy	CDBG: \$39,468	Public service activities other than Low/Moderate Income Housing Benefit: 65 Persons Assisted
10.	CDS-5 Public Services	2022	2026	Non-Housing Community Development	Low/Mod Area Countywide	Community Development Strategy	CDBG: \$181,500	Public service activities other than Low/Moderate Income Housing Benefit: 352 Persons Assisted
11.	AMS-1 Overall Coordination	2022	2026	Administration, Planning, and Management	Low/Mod Area Countywide	Administration, Planning, and Management Strategy	CDBG: \$343,692 HOME: \$78,816 ESG: \$11,360	Other: 3 Others
12.	AMS-3 Fair Housing	2022	2026	Fair Housing	Low/Mod Area Countywide	Administration, Planning, and Management Strategy	CDBG: \$0 HOME: \$0	Other: 1 Other

Table 6 – Goals Summary



**Goal Descriptions**

1.	Goal Name	<b>HSG-2 Owner-occupied Housing Rehabilitation</b>
	Goal Description	Conserve and rehabilitate existing affordable housing units occupied by low- and moderate-income homeowners in the community by providing financial assistance to addressing code violations, emergency repairs, energy efficiency improvements, and accessibility for persons with disabilities.
2.	Goal Name	<b>HSG-3 Housing Construction/Rehabilitation</b>
	Goal Description	Increase the supply of decent, safe and sanitary, and accessible housing that is affordable to both owners and renters in the County by assisting with acquisition, site improvements, development fees, new construction and rehabilitation of vacant buildings.
3.	Goal Name	<b>HSG-5 Fair Housing</b>
	Goal Description	Promote fair housing choice through education, training, and outreach throughout the County.
4.	Goal Name	<b>HMS-1 Operation/Support</b>
	Goal Description	Financially assist providers to operate housing and support services for the homeless and persons at-risk of becoming homeless.
5.	Goal Name	<b>HMS-2 Prevention and Re-Housing</b>
	Goal Description	Continue to support the prevention of homelessness through anti-eviction activities and programs for rapid re-housing.

6.	Goal Name	HMS-3 Housing
	Goal Description	Support the rehabilitation of, including accessibility improvements, for emergency shelters, transitional housing, and permanent housing for the homeless.
7.	Goal Name	SNS-2 Social Services
	Goal Description	Support social service programs and facilities for the elderly, persons with disabilities, persons with developmental disabilities, persons with HIV/AIDS, victims of domestic violence, victims of sexual assault, victims of human trafficking, persons recovering from alcohol/drug dependency, persons recently leaving incarceration, and persons with other special needs.
8.	Goal Name	CDS-1 Community Facilities
	Goal Description	Improve parks, recreational facilities, neighborhood facilities, trails and libraries including accessibility improvements to public buildings and all community facilities in the County.
9.	Goal Name	CDS-4 Food Programs
	Goal Description	Provide assistance for food and nutritional programs to address the needs of unemployed, underemployed, and homeless.
10.	Goal Name	CDS-5 Public Services
	Goal Description	Improve and enhance public services, programs for youth, the elderly, and persons with disabilities, along with general social/welfare public service programs for low- and moderate-income persons and households.
11.	Goal Name	AMS-1 Overall Coordination
	Goal Description	Provide program management and oversight for the successful administration of Federal, State, and locally funded programs, including planning services for special studies, annual action plans, five-year consolidated plans, substantial amendments, consolidated annual performance and evaluation reports (CAPER), environmental reviews (ERR) and Section 106 clearances (SHPO), fair housing, and compliance with all Federal, State, and local laws and regulations.

12.	Goal Name	AMS-3 Fair Housing
	Goal Description	Provide funds for training, education, outreach, and monitoring to affirmatively further fair housing in the County.

Table 7 – Goal Descriptions

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):**

Richland County proposes to assist the following:

- **Extremely Low-Income** - 37 family
- **Low-Income** - 9 families
- **Moderate-Income** - 25 families

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

Richland County proposes to undertake the following activities with the FY 2024 CDBG, HOME, and ESG funds:

#### Projects

#	Project Name
1.	CDBG General Administration
2.	Housing Rehabilitation
3.	Public Facility Improvements
4.	Public Services
5.	Transitional Housing Rehabilitation
6.	Affordable Rental Housing Development
7.	HOME General Administration
8.	CHDO Set-Aside
9.	Development of Affordable Housing
10.	Emergency Solutions Grant Program

Table 5 – Project Information

#### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

CDBG funds are intended to provide low- and moderate-income households with the opportunity to live in viable communities, which includes decent housing, a suitable living environment, and expanded economic opportunities. Eligible activities include community facilities and improvements; infrastructure improvements; housing rehabilitation and preservation; affordable housing development activities; public services; economic development; and planning and administration.

Richland County has allocated its CDBG funds for FY 2024 to principally benefit low- and moderate-income persons.

- Community and Public facilities improvements will either be located in a low- and moderate-income census tract/block group or the County will prepare surveys which show a low- and moderate-income population over 51%.
- The infrastructure improvement activities are either located in a low- and moderate-income census tract/block group or have a low- and moderate-income service area benefit or clientele over 51% low- and moderate-income.
- Funding for public services will be based on the clientele's income or in certain cases a limited type of clientele with a presumed low- and moderate-income status.

- The homeless projects/activities are for homeless agencies/organization that serve a specific type of clientele with a presumed low- and moderate-income status.
- The other special needs projects/activities are limited to a clientele with a presumed low- and moderate-income status.
- Demolition of structures will either be located in low- and moderate-income areas or in areas that have been designated as slum and blighted areas.
- The housing activities have income eligibility criteria; therefore, the income requirement directs funds to low- and moderate-income households throughout the County.

The HOME funds will be used for administration and for housing projects. These funds will be targeted to low-income persons and projects designed to provide affordable housing to low-income persons.

The ESG funds will be used for Administration, Rapid Re-housing/Homeless prevention/HMIS, and Emergency Shelter Projects. Those funds will be targeted to low-income persons who are homeless or at-risk of becoming homeless.

The total amount of FY 2024 CDBG funds is \$1,718,460, of which 20% (\$343,692) is for administration and 80% (\$1,374,768) is allocated for projects/activities. Approximately 100% (\$1,374,768) will principally benefit low- and moderate-income persons.

**AP-38 Project Summary****Project Summary Information**

1.	Project Name	General Administration
	Target Area	Countywide
	Goals Supported	HSG-5 Fair Housing AMS-1 Overall Coordination AMS-3 Fair Housing
	Needs Addressed	Housing Strategy Administration, Planning, and Management Strategy
	Funding	CDBG: \$343,692.00
	Description	Expenses to administer the Community Development Block Grant. This covers the staff salaries and benefits, office expenses, planning services, and other facets of program management.
	Target Date	9/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	1 Organization
	Location Description	Richland County, Community Planning & Development Department, Community Development Division, 2020 Hampton St. Suite 3058, Columbia, SC 29202
	Planned Activities	The project matrix code is 21A, General Program Administration.
2.	Project Name	Housing Rehabilitation
	Target Area	Countywide
	Goals Supported	HSG-2 Owner-occupied Housing Rehabilitation

	Needs Addressed	Housing Strategy
	Funding	CDBG: \$175,000.00
	Description	<p>Funds will be used to support two (2) signature housing rehabilitation programs, Operation One Touch (OOT) and CDBG Rehab, along with staff salaries to manage program operations (i.e. inspections, construction estimation, environmental reviews, oversight and compliance). Available funds from prior years funds will also be used to support these programs.</p> <p>1) <b>Operation One Touch (OOT)</b> – OOT is the County’s emergency housing rehab program which provides a 0% interest forgivable loan to assist with urgent minor home repair needs for income eligible homeowners in unincorporated Richland County for installation of roofs, soffits, gutters, electrical upgrades, plumbing, etc. (15 Housing Units)</p> <p>2) <b>CDBG Rehab</b> – CDBG Rehab is the County’s Owner-Occupied Housing Rehab program that partners with qualified non-profit organizations to provide minor home repairs to eligible homeowners in unincorporated Richland County. (10 Housing Units)</p>
	Target Date	9/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	25 Housing Units
	Location Description	Countywide
	Planned Activities	<p>The National Objective is Low/Mod Income Housing Benefit (LMH).</p> <p>The HUD Matrix Code is 14A, Rehab; Single-Unit Residential.</p>
3.	Project Name	Public Facility Improvements
	Target Area	Countywide
	Goals Supported	CDS-1 Community Facilities

	<b>Needs Addressed</b>	Community Development Strategy
	<b>Funding</b>	CDBG: \$205,000.00
	<b>Description</b>	Expenses to be used to assist Vital Connections of the Midlands, a non-profit childcare provider serving LMI households to: <ol style="list-style-type: none"> <li>1) Acquire the Tender Years Childcare property in Hopkins, SC where the organization has served for 20 years, and</li> <li>2) Provide rehabilitation to both the Tender Years and Arthurtown Childcare Centers, including resurfaced parking lots and outdoor play space upgrades. Activity Delivery Costs are included in the allocation.</li> </ol>
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	2 public facility improvements 105 extremely low-income households annually
	<b>Location Description</b>	Tender Years Center: 6862 Lower Richland Blvd., Hopkins, SC 29061 Arthurtown Center: 223 Riley Street, Columbia, SC 29201
	<b>Planned Activities</b>	The National Objective is Low/Mod Income Clientele (LMC). The project matrix code is 03M, Childcare Centers.
4.	<b>Project Name</b>	<b>Public Service</b>
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	SNS-2 Social Services CDS-4 Food Programs CDS-5 Public Services
	<b>Needs Addressed</b>	Other Special Needs Strategy Community Development Strategy



	<b>Funding</b>	CDBG: \$254,792.00
	<b>Description</b>	Expenses to be used to improve and enhance public services for LMI individuals and households through various non-profit and community-based agencies. Not to exceed 15% of the annual CDBG allocation.
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	<p>The following subrecipients will assist the following:</p> <p><b>Boys and Girls Club of the Midlands</b> - 90 Youth</p> <p><b>Foodshare SC</b> – 65 Seniors</p> <p><b>Sistercare</b> – 100 Women</p> <p><b>Healthy Learners</b> (operated by the Sisters of Charity) – 212 youth</p> <p><b>Unallocated Public Service Funds</b> – 50 households</p>
	<b>Location Description</b>	<p>The project locations are the following:</p> <p><b>Boys and Girls Club of the Midlands</b> - This will fund scholarships at sites across the County, mostly elementary schools. Their office address is 500 Gracern Rd., Columbia, SC 29210</p> <p><b>Foodshare SC</b> – 201 Columbia Mall Blvd., Suite 109, Columbia, SC 29223</p> <p><b>Sistercare</b> – Physical address is confidential. Mailing address is PO Box 1029, Columbia, SC 29202</p> <p><b>Healthy Learners</b> (operated by the Sisters of Charity) – These health screenings take place at Title I schools countywide. Office address is 2711 Middleburg Drive, Suite 304, Columbia, SC 29204</p> <p><b>Unallocated Public Service Funds</b> – To be determined</p>

	<b>Planned Activities</b>	<p>The project matrix codes are determined by each activity as follows:</p> <p><b>Boys and Girls Club of the Midlands</b> - will receive \$90,000 in CDBG funds to expand availability of no-cost, high quality after-school care and summer care services to LMI families residing in unincorporated Richland County through scholarships for eligible families. The project matrix code is 05D, Youth Services and the Five Year Goal is CDS-5 Public Services.</p> <p><b>Foodshare SC</b> - will receive \$39,468 in CDBG funds to continue the Neighborshare Program providing fresh food boxes to homebound Seniors and low-income households in unincorporated Richland County. The project matrix code is 05W, Food Banks and the Five Year Goal is CDS-4 Food Program.</p> <p><b>Sistercare</b> - will receive \$33,754 in CDBG funds to continue outreach, counseling, and support services to Hispanic and Spanish-speaking survivors of domestic violence in unincorporated Richland County. The project matrix code is 05G, Services for Battered and Abused Spouses and the Five Year Goal is SNS-2 Social Services.</p> <p><b>Healthy Learners</b> (operated by the Sisters of Charity) - will receive \$31,500 in CDBG funds to continue providing health care services, health screenings (dental, vision, and hearing), and assist families with healthcare expenses through a program for students attending one of 21 identified Title One schools in unincorporated areas of Richland County. The project matrix code is 05M, Health Services and the Five Year Goal is CDS-5 Public Services.</p> <p><b>Unallocated Public Service Funds</b> - Richland County at this time will not be allocating \$60,000 in CDBG funds. These funds will be allocated at a later date to a CDBG eligible public service activity.</p> <p>The National Objective is Low/Mod Income Limited Clientele Benefit (LMC).</p>
5.	Project Name	Transitional Housing Rehabilitation
	Target Area	Countywide

	Goals Supported	HMS-3 Housing
	Needs Addressed	Homeless Strategy
	Funding	CDBG: \$312,380.00
	Description	Expenses to be used to improve transitional housing for homeless individuals in unincorporated areas of Richland County.
	Target Date	9/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	33 Transitional Housing Units serving 460 homeless individuals annually.
	Location Description	The project locations are the following: <b>Homeless No More</b> – 2400 Waites Rd., Columbia, SC 29204 <b>Transitions Homeless Shelter (Midlands Housing Alliance)</b> - 2025 Main Street, Columbia, SC 29201
	Planned Activities	<b>Homeless No More</b> will receive \$167,380 for the rehabilitation of seventeen (17) Transitional Housing units, to include replacements of seventeen (17) HVAC units and repair of exterior stucco on all buildings. <b>Transitions Homeless Shelter (Midlands Housing Alliance)</b> will receive \$135,000 for four (4) ADA bathroom upgrades and for interior and exterior rehabilitation for sixteen (16) transitional housing units for Specialized Program for Veterans, Seniors, and those with an active job moving out of homelessness. Contingency Funds: \$10,000 for Activity Delivery Costs and unanticipated construction-based costs. The National Objective is Low/Mod Income Clientele (LMC). The project matrix code is 03C, Homeless Facilities.
6.	Project Name	Affordable Rental Housing Development
	Target Area	Countywide

	<b>Goals Supported</b>	HSG-3 Housing Construction/Rehabilitation
	<b>Needs Addressed</b>	Housing Strategy
	<b>Funding</b>	CDBG: \$427,596.00
	<b>Description</b>	This activity will continue an existing County program to acquire and rehabilitate affordable housing for rental activities. Funds may be used for non-profit developers and in conjunction with the Community Housing Development Organization (CHDO).
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	4 housing units
	<b>Location Description</b>	Richland County, Community Planning & Development Department, Community Development Division, 2020 Hampton St. Suite 3058, Columbia, SC 29202
	<b>Planned Activities</b>	<p>The National Objective is Low/Mod Housing Benefit (LMH).</p> <p>The project matrix code will be determined by the individual Activity, but may include:</p> <ul style="list-style-type: none"> <li>• 12, Construction of Housing;</li> <li>• 14A, Rehab: Single-Unit Residential;</li> <li>• 14B, Rehab: Multi-Unit Residential; and/or</li> <li>• 14G Rehab: Acquisition</li> </ul>
7.	<b>Project Name</b>	<b>HOME General Administration</b>
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	AMS-1 Overall Coordination
	<b>Needs Addressed</b>	Administration, Management, and Planning Strategy
	<b>Funding</b>	HOME: \$78,816.00
	<b>Description</b>	Funds for salaries, benefits, office expenses, legal fees, and planning management.
	<b>Target Date</b>	9/30/2025

	Estimate the number and type of families that will benefit from the proposed activities	1 Organization
	Location Description	Richland County, Community Planning & Development Department, Community Development Division, 2020 Hampton St. Suite 3058, Columbia, SC 29202
	Planned Activities	The project matrix code is 21A, General Program Administration.
8.	Project Name	Housing CHDO Set-Aside
	Target Area	Countywide
	Goals Supported	HSG-3 Housing Construction
	Needs Addressed	Housing Strategy
	Funding	HOME: \$118,225.00
	Description	HOME funds will be used to assist a CHDO to increase the number of affordable housing units in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation.
	Target Date	9/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	1 household
	Location Description	County Wide
	Planned Activities	<p>The National Objective is Low/Mod Housing Benefit (LMH).</p> <p>The project matrix code will be determined by the individual Activity, but may include:</p> <ul style="list-style-type: none"> <li>• 12 Construction of Housing;</li> <li>• 14A Rehab: Single-Unit Residential;</li> <li>• 14B Rehabilitation: Multi-Unit Residential; and/or</li> <li>• 14G Rehab: Acquisition.</li> </ul>
9.	Project Name	Development of Affordable Housing

	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	HSG-3 Housing Construction/Rehabilitation
	<b>Needs Addressed</b>	Housing Strategy
	<b>Funding</b>	HOME: \$591,123.00
	<b>Description</b>	HOME funds will be used to assist in the development of affordable housing in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation. CDBG funds will be used to pay the program and activity delivery costs associated with implementing the HOME Program.
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	4 households
	<b>Location Description</b>	County Wide
	<b>Planned Activities</b>	<p>The National Objective is Low/Mod Housing Benefit (LMH).</p> <p>The project matrix code will be determined by the individual Activity, but may include:</p> <ul style="list-style-type: none"> <li>• 12 Construction of Housing;</li> <li>• 14A Rehab: Single-Unit Residential; and/or</li> <li>• 14B Rehabilitation: Multi-Unit Residential</li> </ul>
11.	<b>Project Name</b>	<b>Emergency Solutions Grant Program</b>
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	<p>HMS-1 Operation/Support</p> <p>HMS-2 Prevention and Re-Housing</p> <p>AMS-1 Overall Coordination</p>

	<b>Needs Addressed</b>	Homeless Strategy Administration, Management, and Planning Strategy
	<b>Funding</b>	ESG: \$151,468.00
	<b>Description</b>	Funds will be used for General Administration - \$11,360 (staff salaries, staff benefits, office expenses, planning services, and program management); Rapid Re-Housing/Homeless Prevention/HMIS - \$91,070 (homeless prevention program, rapid re-housing program and the HMIS system); and Street Outreach/Emergency Shelter - \$49,038 (operating expenses and essential services for shelters).
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	6 Organizations
	<b>Location Description</b>	Countywide
	<b>Planned Activities</b>	The national objective is Low/Mod Income Clientele Benefit (LMC). The project matrix codes are: 21A, General Administration; 03T, Operating Cost of Homeless/AIDS Patient Programs; and 05Q, Subsistence Payments.

**AP-50 Geographic Distribution – 91.220(f)****Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

The following information provides a profile of the population, age, and racial/ethnic composition of Richland County. This information was obtained from the U.S. Census Bureau website, <http://data.census.gov>. The 2018-2022 American Community Survey 5-Year Estimates (ACS), the 2020 U.S. Census data, and the 2016-2020 HUD Comprehensive Housing Affordability Strategy (CHAS) data were used to analyze the social, economic, housing, and general demographic characteristics of Richland County.

**Population:**

Richland County's overall population as reported in the 2018-2022 American Community Survey was 416,161.

- The County's population was 404,869 at the time of the 2013-2017 American Community Survey, an increase of 2.79% (11,292 people) over the last five years.
- Between the 2013-2017 ACS and the 2018-2022 ACS, the population in South Carolina increased 5.09% from 4,893,444 to 5,142,750 people

**Age:**

Richland County's age of population (based on 2018-2022 ACS data)

- The median age in Richland County was 33.9 years, compared to 40.0 years for South Carolina.
- Youth under the age of 18 accounted for 21.5% of the County's population, the same proportion as statewide.
- Seniors aged 65 or over represent 13.4% of the County's population, which is less than South Carolina's average of 18.2% of the population.
- Adults ranging from 20 to 24 years old make up the largest five-year cohort of the County's population at 10.3%.

**Race/Ethnicity:**

Racial/ethnic composition of Richland County, according to the 2018-2022 American Community Survey:

- 42.4% are White alone
- 47.2% are Black or African American alone
- 0.2% are American Indian or Alaska Native alone
- 2.9% are Asian alone
- 2.4% are Some Other Race alone
- 4.6% are Two or more races
- 5.4% are Hispanic or Latino, of any race



**Income Profile:**

The following is a summary of income statistics for Richland County from the 2018-2022 American Community Survey:

- At the time of the 2018-2022 American Community Survey, median household income in Richland County was \$59,850, higher than the City of Columbia (\$54,095) but lower than the State of South Carolina (\$63,623).
- 27.5% of households with earnings received Social Security income.
- 1.5% of households with earnings received cash public assistance.
- 23.2% of households with earnings received retirement income.
- 16.8% of residents were living in poverty.
- 34.9% of female-headed households with children were living in poverty.
- 21.8% of all children under 18 years were living in poverty.

**Low/Mod Income Profile:**

The low- and moderate-income profile for Richland County is a measurement of the area's needs. Richland County has an overall low- and moderate-income percentage of 45.26%. These low- and moderate-income statistics were obtained from the U.S. Department of Housing and Urban Development's website, [www.hud.gov](http://www.hud.gov).

**Economic Profile:**

The following illustrates the economic profile for Richland County from the 2018-2022 American Community Survey Estimates:

- As of the 2018-2022 ACS, Richland County had 337,509 people aged 16 years and over. Of these, 65.5% (210,748 persons) were in the civilian labor force and 58.2% (196,460 persons) were employed. 3.1% (10,447 persons) were in the Armed Forces.
- **Occupation:**
  - 42.9% of the employed civilian population 16 years and over had occupations classified as management, business, science, and arts occupations.
  - 22.1% of the employed civilian population had occupations classified as sales and office occupations.
  - 17.3% of the employed civilian population had occupations classified as service occupations.
- **Industry:**
  - The education, health, and social service industry represented 25.8% of those employed.
  - Retail industry employees comprised 11.1% of those employed.
- **Class:**
  - 73.0% of workers were considered in the private wage and salary worker class.
  - 22.3% of workers were considered in the government class.
  - 4.4% of workers were considered in the self-employed workers in own not-incorporated business class.

According to the U.S. Labor Department, the unadjusted unemployment rate for Richland County for April of 2024 was 3.0% and the City of Columbia's unemployment rate was 3.4%. The unadjusted unemployment rate was 2.9% for the State of South Carolina in April of 2023 and 3.5% for the United States.

### Geographic Distribution

Target Area	Percentage of Funds
Countywide excluding the City of Columbia	100%
Low/Mod Areas	0%

**Table 6 - Geographic Distribution**

### Rationale for the priorities for allocating investments geographically

Richland County will allocate its CDBG funds to those geographic areas whose population is over 51% low- and moderate-income and/or to low- and moderate-income clientele. At least 70% of all the County's CDBG funds are budgeted for activities which principally benefit low- and moderate-income persons. The following guidelines for allocating CDBG and HOME funds will be used by the County for the FY 2024 Program Year:

- The public services projects/activities are for social service organizations whose clientele are low-income or in certain cases, a limited type of clientele with a presumed low- and moderate-income status.
- The homeless projects/activities are for homeless agencies/organization that serve a specific type of clientele with a presumed low- and moderate-income status.
- The other special needs projects/activities are limited to a clientele with a presumed low- and moderate-income status.
- The community and public facilities projects/activities are either located in a low- and moderate-income census tract/block group or have a low- and moderate-income service area benefit or a limited clientele which is low- and moderate-income.
- The infrastructure improvement projects/activities are either located in a low- and moderate-income census tract/block group or have a low- and moderate-income service area benefit or a limited clientele which is low- and moderate-income.
- The acquisition and demolition of structures are either located in a low- and moderate-income census area or these activities are eligible by preventing or eliminating slums and blight on a spot or area basis.
- The housing projects/activities have income eligibility criteria; therefore, the income requirement limits funds to low- and moderate-income households throughout the County.
- Economic development projects/activities will either be located in a low- and moderate-income census tract/block group, or a poverty census tract greater than 20%, or part of a redevelopment plan, or makes 51% of the jobs available to low- and moderate-income persons.

The County allocates CDBG funds to areas or projects/activities which predominantly benefit low- and moderate-income persons to rehabilitate or construct new housing for low- and moderate-income households; to create low- and moderate-income jobs; to projects/activities that principally benefit low- and moderate-income persons; and/or slum and blight removal on a spot or area basis.

The HOME funds will be used for administration and for housing projects/activities. These funds will be targeted to low-income households and projects/activities designed to provide affordable housing to low-income households. The disbursement is based on needs of low- and moderate-income households, not by geographic area.

The ESG funds will be used for Administration, Rapid Re-housing/Homeless prevention/HMIS, and Emergency Shelter Projects. Those funds will be targeted to low-income persons who are homeless or at-risk of becoming homeless.

## Discussion

The total amount of FY 2024 CDBG funds is \$1,718,460, of which 20% (\$343,692) is for administration and 80% (\$1,374,768) is allocated for projects/activities. 100% of the funds will be going towards Low- and Moderate-Income areas.

The geographic locations for the FY 2024 CDBG Activities will be countywide or at the location of service provider subrecipients. The geographic location for HOME activities will also be countywide or at the location of service provider subrecipients. Public benefits will be for low- and moderate- income residents of Richland County either through direct benefit such as homeownership, housing rehabilitation or individual services such as homeless assistance. Community facilities improvements will be area benefit activities such as street reconstruction or recreation improvements in areas where at least 51% of the residents are LMI. The geographic location for ESG will also be countywide or at the location of service provided by subrecipients.

The County is allocating its CDBG funds to areas or projects/activities which predominantly benefit low- and moderate-income persons to rehabilitate or construct new housing for low- and moderate-income households; to create low- and moderate-income jobs; and to projects/activities that benefit the low- and moderate-income population.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

Richland County will utilize its CDBG and HOME funds to rehabilitate and to support the construction of new affordable housing units. The one-year goals for affordable housing in Richland County for FY 2024 are as follows:

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	71
Special-Needs	0
<b>Total:</b>	<b>71</b>

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	5
Rehab of Existing Units	66
Acquisition of Existing Units	0
<b>Total:</b>	<b>71</b>

Table 8 - One Year Goals for Affordable Housing by Support Type

#### Discussion

Richland County will fund the following projects with 2024 CDBG and HOME funds:

- **Housing Rehabilitation** - Funds will be used to support two signature housing rehabilitation programs, Operation One Touch (OOT) and CDBG Rehab, along with staff salaries to manage program operations (i.e. inspections, construction estimation, environmental reviews, oversight and compliance). (25 Housing Units)
  - **Operation One Touch (OOT)** – OOT is the County’s emergency housing rehab program which provides a 0% interest forgivable loan to assist with urgent minor home repair needs for income eligible homeowners in unincorporated Richland County for installation of roofs, soffits, gutters, electrical upgrades, plumbing, etc.
  - **CDBG Rehab** – CDBG Rehab is the County’s Owner-Occupied Housing Rehab program that partners with qualified non-profit organizations to provide minor home repairs to eligible homeowners in unincorporated Richland County.

- **Transitional Housing Rehabilitation** – Funds to be used to improve transitional housing for homeless individuals in unincorporated areas of Richland County. The following projects will be funded:
  - **Homeless No More** – Funds will be used to rehabilitate seventeen (17) Transitional Housing units, to include replacements of seventeen (17) HVAC units and repair of exterior stucco on all buildings. (17 Housing Units)
  - **Transitions Homeless Shelter (Midlands Housing Alliance)** – Funds will be used to rehabilitate four (4) ADA bathroom upgrades and for interior and exterior rehabilitation for sixteen (16) transitional housing units for Specialized Program for Veterans, Seniors, and those with an active job moving out of homelessness. (20 Housing Units)
- **Affordable Rental Housing Development** - Funds may be used for non-profit developers and in conjunction with the Community Housing Development Organization (CHDO). (4 Housing Units)
- **Housing CHDO Set-Aside** - HOME funds will be used to assist a CHDO to increase the number of affordable housing units in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation. (1 Housing Unit)
- **Development of Affordable Housing Payment** - HOME funds will be used to assist in the development of affordable housing in the HOME Consortium for owners and renters by assisting with acquisition, soft costs, construction, and rehabilitation. CDBG funds will be used to pay the program and activity delivery costs associated with implementing the HOME Program. (4 Housing Units)

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

Richland County has a public housing authority to provide public housing for its low-income County residents. The mission of the Columbia Housing Authority is to provide affordable, accessible, quality housing and support services through community partnerships.

The Columbia Housing Authority is responsible for its own hiring, contracting, and procurement. The Housing Authority provides the County with a copy of its Five-Year Capital Fund Program and Annual Plan for review each year. The County certifies that the Capital Fund Program and Annual Plan are consistent with the County's Five-Year Consolidated Plan. Should the Housing Authority propose any demolition or disposition of public housing units, it will consult with the local neighborhoods where the development is located, as well as with the County staff.

The Columbia Housing Authority meets with each of its housing developments to discuss the Annual Plans for the Housing Authority. They also discuss physical needs assessment for allocating and spending Capital Funds at the different developments. The Housing Authority puts copies of the plans in the housing developments for public comment. The Columbia Housing Authority Board also has a seat on the five (5) member Board, which is occupied by a resident to help with the decision and planning process of the Housing Authority.

### **Actions planned during the next year to address the needs to public housing**

The Columbia Housing Authority funds a variety of activities to improve the overall living environment in the Authority's public housing projects.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

The CHA Resident Executive Council (REC) provides residents with the opportunity to become involved in housing authority policy making. The REC is made up of representatives from each CHA public housing community, and members are elected by their peers based on participation in local Community Clubs. The REC meets on fourth Monday of each quarter. Richland County will work with CHA to improve attendance at these meetings in FY 2024-2025.

Richland County will also continue to provide twelve (12) hours of housing counseling classes to CHA residents through the RCHAP program. Classes will cover home buying, budget and credit, and home and yard maintenance.

**If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

The Columbia Housing Authority is not designated as "troubled" by HUD.

**Discussion**

Not Applicable.

DRAFT

## AP-65 Homeless and Other Special Needs Activities – 91.220(i)

### Introduction

Under its Five-Year Consolidated Plan, Richland County has developed its Strategic Plan in cooperation with the CoC to address homelessness for FY 2022 through FY 2026. These goals are set forth in the following priorities:

### Homeless Strategy - (High Priority)

**Priority Need:** There is a continuing need for services and housing opportunities for homeless persons and persons/families at-risk of becoming homeless.

**Objective:** Work with community partners to improve the living conditions and support services available for homeless persons, families, and those who are at risk of becoming homeless.

### Goals:

- **HMS-1 Operation/Support** – Financially assist providers to operate housing and support services for the homeless and persons at-risk of becoming homeless.
- **HMS-2 Prevention and Re-Housing** - Continue to support the prevention of homelessness through anti-eviction activities and programs for rapid re-housing.
- **HMS-3 Housing** - Support the rehabilitation of, including accessibility improvements for emergency shelters, transitional housing, and permanent housing for the homeless.
- **HMS-4 Continuum of Care** - Support the local Continuum of Care's (CoC) efforts to provide emergency shelter, and permanent supportive housing to persons and families who are homeless or who are at risk of becoming homeless.
- **HMS-5 Permanent Housing** - Promote the development of permanent supportive housing for homeless individuals and families.

### Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

The CoC utilizes a coordinated entry process that prioritizes assistance based on severity of need, length of time homeless, and unsheltered versus sheltered status to ensure those who need assistance the most can receive services and housing in a timely manner. Outreach teams work nontraditional hours and cover the CoC's entire geographic area. They are focused on persons with a serious mental illness who live unsheltered because this is the subpopulation in our community least likely to access assistance. Agencies, local businesses, and community members routinely contact the street outreach team regarding persons needing assistance, especially those living unsheltered. Persons experiencing homelessness are engaged through outreach, rapport-building, and with the use of peer-to-peer models. The CoC utilizes a centralized entry. Most persons enter the system through the Harmony House day shelter. However, the local homeless veteran's center, domestic violence shelter, and street



outreach all serve as points of entry. A VI-SPDAT assessment is conducted (coordinated entry assessment tool) to determine need. The individual/family is on a by-name list and referred to appropriate services and housing. All CoC and ESG-funded programs utilize coordinated entry.

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Successful recovery for individuals experiencing chronic homelessness depends on access to stable housing. Permanent supportive housing for such individuals is provided by the following organizations with programs targeted for chronic homelessness.

**Chronically Homeless Service Providers:** Columbia Area Mental Health Center, Midlands Housing Alliance (Transitions), VA Medical Center (Dorm), 180 Place

Many organizations providing services for individuals experiencing homelessness do not have services and facilities adequate to meet the needs of families with children. In an interview conducted for this Consolidated Plan, representatives from Homeless No More indicated that the need for such services and facilities far exceeds the available supply. Supportive housing for these families provides stability that helps prevent school absences and contributes to academic achievement. The following organizations provide services targeted to families with children experiencing homelessness.

**Families with Children:** Christ Central Ministries - Hannah House, Homeless No More, Toby's Place, USC, School of Medicine, Department of Internal Medicine, Supportive Housing Services

The organizations below provide supportive housing services specifically designed to meet the needs of veterans experiencing homelessness. HUD also provides rental assistance vouchers through the CHA for privately owned housing to veterans who are eligible for VA health care services and are experiencing homelessness. VA case managers may connect veterans with support services such as health care, mental health treatment and substance use counseling to help them in their recovery process and with maintaining housing in the community.

**Veterans:** VA Medical Center (Dorm), Alston Wilkes Veterans Home

Homeless organization representatives interviewed for this Consolidated Plan also indicated that supportive housing services targeted to unaccompanied youth are insufficient to meet the needs in Richland County. The organizations below provide various services for unaccompanied youth experiencing homelessness; however, long-term supportive housing with developmentally appropriate services are limited. Only four beds with these services are available in the county.

**Unaccompanied Youth:** Alston Wilkes Society-Columbia, Epworth Children's Home, Growing Home Southeast, Lexington School District Two McKinney-Vento Liaison, Mental Illness Recovery Center, Mental Illness Recovery Center Inc. (MIRCI), Palmetto Place Children's Shelter, Richland County Public Defender's Office (youth defender), Richland School District One McKinney-Vento Liaison, Richland School District Two McKinney-Vento Liaison, State of South Carolina Department of Social Services, University of South Carolina Social Work

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

Utilizing the Housing First Model, homeless individuals and families are housed as soon as they are eligible for housing, based on a centralized assessment, as well as housing availability. Prior to housing, homeless individuals/families are assigned to a supportive services team which continues to provide support to them once they obtain their housing. This model has been effective in housing retention.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

Individuals with severe mental health challenges often require transitional or permanent supportive housing including ongoing treatment, social services and housing assistance to recover and live independently. According to the 2015 National Survey on Drug Use and Health sponsored by Substance Abuse and Mental Health Services Administration (SAMHSA), an agency in the U.S. Department of Health and Human Services (DHHS), an estimated 18.1% or 43,521 Richland County residents suffer from a mental illness while an estimated four percent suffer severe mental illness.

## Discussion

The Midlands Area Consortium for the Homeless (MACH) was awarded \$4,750,787 for its Tier 1 FY 2023 Continuum of Care Application. The following is a breakdown of the Tier 1 awards:

• Housing Development Corporation of Rock Hill RRH Renewal.....	\$ 35,856.00
• Mental Illness Recovery Center, Inc.:	
○ Home Base I and II 2023.....	\$ 727,237.00
○ Home Base III and IV 2023 Renewal.....	\$ 342,884.00
○ Housing First for Unaccompanied Youth 2023.....	\$ 73,254.00
○ MIRCI Housing First 2023 .....	\$ 345,134.00
○ MIRCI PH for Chronic Homeless 2023.....	\$ 194,069.00
○ MIRCI SHP 2023 .....	\$ 311,886.00
• Midlands Housing Alliance, Inc. RRH Renewal PY24-25.....	\$ 97,363.00
• One-Eighty Place Rapid Re-Housing MACH 23 .....	\$ 254,984.00
• Palmetto Place Children's Emergency Shelter Unaccompanied Youth JT PH/RRH Project 2023 .....	\$ 95,712.00
• Safe Passage, Inc. Rapid Rehousing Program .....	\$ 298,636.00
• Sistercare, Inc.:	
○ Permanent Housing and Supportive Services for Disabled Domestic Violence Victims .....	\$ 361,423.00
○ Sistercare Rapid Rehousing Program .....	\$ 338,033.00
• The Housing Authority of the City of Columbia, SC	
○ FY 2023 CHASC Disable Grant .....	\$ 349,393.00
○ FY 2023 CHASC Expansion Grant .....	\$ 159,264.00
○ FY 2023 CHASC Expansion Plus Grant.....	\$ 68,155.00
○ FY 2023 CHASC PSH Chronic Grant .....	\$ 263,443.00
• United Way of the Midlands:	
○ HMIS Renewal SC-502 FY 2023 .....	\$ 118,133.00
○ <u>SC-502 CoC Planning Application FY 2023 .....</u>	<u>\$ 315,928.00</u>
• Total:.....	<b>\$ 4,750,787.00</b>

## **AP-75 Barriers to affordable housing – 91.220(j)**

### **Introduction:**

Richland County is committed to removing or reducing barriers to the development of affordable housing whenever possible throughout the County. A variety of actions include, among others, to reduce the cost of housing to make it affordable.

- Provide developers and non-profits with incentives for the construction or rehabilitation of affordable housing to keep rents affordable.
- Provide assistance to first time homebuyer to purchase a home.
- Assist in acquiring sites for development of affordable housing.
- Promote Federal and State financial assistance for affordable housing.

Richland County prepared its 2017 Analysis of Impediments to Fair Housing Choice (AI) to coincide with the County's Five-Year Consolidated Plan. Richland County's AI identified the following impediments.

**Impediment 1: Availability of Affordable Units in a Range of Sizes** - There is a need for additional assisted housing throughout the County. Racial or ethnic minority more likely to be experiencing a disproportionate need due to cost burdens, incomplete plumbing or kitchen, facilities, or overcrowding. This contributing factor has been assigned a medium level of priority based on the extent of the need and the County's ability to respond to this need.

**Impediment 2: Access to Financial Services** - The ability of residents throughout the County to secure home purchase loans varies according to the race and ethnicity of the loan applicant. This was Identified in data gathered under the Home Mortgage Disclosure Act (HMDA).

**Impediment 3: Failure to make reasonable accommodation or modification** - Residents and stakeholders who provided commentary during the AFH process, whether through public input sessions or the Fair Housing Survey, identified failure to make reasonable accommodation as a factor that contributes to the limited availability of accessible housing units to residents with disabilities. The County believes that it has the capacity to address this factor through outreach and education to County residents and landlords, and considers doing so to be a high priority.

**Impediment 4: Access to Publicly Supported Housing for Persons with Disabilities**- Residents and stakeholders who provided commentary during the AFH process, whether through public input sessions or the Fair Housing Survey, identified shortages of affordable, accessible housing to be a contributing factor to fair housing issues impacting residents with disabilities.

**Impediment 5: Resistance to Affordable Housing**- This factor, identified through the feedback of stakeholders during the public input portion of the AFH process, contributes to a lack of affordable housing in the County. Lack of affordable housing restricts the fair housing choice of County residents.

**Impediment 6: Discriminatory Actions in the Marketplace-** This factor, identified through the feedback of stakeholders during the public input portion of the AFH process, serves to limit the fair housing choice of residents with disabilities and racial/ethnic minority groups.

**Impediment 7: Lack of Understanding of Fair Housing Law-** This factor, identified through the feedback of stakeholders during the public input portion of the AFH process, contributes to discrimination and differential treatment in the housing market. Furthermore, a lack of understanding of fair housing law means that those who may suffer discrimination in the housing market do not know where to turn when they do.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

Richland County, in its most recent Analysis of Impediments to Fair Housing Choice, did not identify any negative effects of its public policies that serve as barriers to affordable housing. The County has continued to revise and update its Zoning Ordinance. This document is consistent with the Fair Housing Act, Section 504, and the Americans with Disabilities Act. There are no other public policies that restrict fair housing.

**Discussion:**

Not Applicable.

## **AP-85 Other Actions – 91.220(k)**

### **Introduction:**

Richland County has developed the following actions which address:

- obstacles to meeting underserved needs;
- fosters affordable housing;
- reduces lead-based hazards;
- reduced the number of poverty-level families;
- develops institutional structures, and
- enhance coordination between public and private housing and social service agencies.

### **Actions planned to address obstacles to meeting underserved needs**

The County under its FY 2024 Program Year will take the following actions to address obstacles to meeting the underserved needs:

- Provide funds for public service activities.
- Provide funds for workforce housing options for owner occupied and renter occupied housing units.
- Provide funds for new housing construction of owner occupied and renter occupied housing units that are decent, safe, sound, affordable, and assessable.
- Provide funds for rehabilitation to help bring the older existing housing stock up to code standards and make accessibility improvements as needed.
- The County will continue to leverage its financial resources and apply for additional public and private funds.

Richland County will work to address these obstacles through the agencies and programs to be funded in FY 2024. Some of the activities to address these obstacles include:

- Public Service Activities
  - Boys & Girls Club
  - Food Share SC
  - Sistercare
  - Healthy Learners
- Housing Rehabilitation
- Transitional Housing Rehabilitation
- Affordable Rental Housing Development
- Housing CHDO Set-Aside
- Development of Affordable Housing
- Emergency Solutions Grant Program

**Actions planned to foster and maintain affordable housing**

The County is proposing the following goals and strategies to foster and maintain affordable housing:

- **HSG-1 Homeownership** - Continue to assist low- and moderate-income potential homebuyers to purchase homes through down payment assistance, closing cost assistance, housing rehabilitation assistance and required housing counseling training.
- **HSG-2 Owner-occupied Housing Rehabilitation** - Conserve and rehabilitate existing affordable housing units occupied by low- and moderate-income homeowners in the community by providing financial assistance to addressing code violations, emergency repairs, energy efficiency improvements, and accessibility for persons with disabilities.
- **HSG-3 Housing Construction/Rehabilitation** - Increase the supply of decent, safe and sanitary, and accessible housing that is affordable to both owners and renters in the County by assisting with acquisition, site improvements, development fees, new construction and rehabilitation of vacant buildings.
- **HSG-4 Renter-occupied Rehabilitation** - Provide financial assistance to landlords to rehabilitate affordable housing units for that are rented to low- and moderate-income tenants.
- **HSG-5 Fair Housing** - Promote fair housing choice through education, training and outreach to affirmatively furthering fair housing throughout the County.
- **HMS-2 Prevention and Re-Housing** - Continue to support the prevention of homelessness through anti-eviction activities and programs for rapid re-housing.
- **HMS-3 Housing** - Support the rehabilitation of, including accessibility improvements for emergency shelters, transitional housing, and permanent housing for the homeless.
- **HMS-5 Permanent Housing** - Promote the development of permanent supportive housing for homeless individuals and families.
- **SNS-1 Housing** - Increase the supply of affordable housing that is accessible, decent, safe, and sanitary for the elderly, persons with disabilities, persons with developmental disabilities, persons with HIV/AIDS, victims of domestic violence, persons recovering from alcohol/drug dependency, and persons with other special needs, through rehabilitation of existing buildings and new construction of housing.
- **SNS-3 Accessibility** - Improve the accessibility of owner-occupied housing through rehabilitation and support/improve renter occupied housing by making reasonable accommodations for the physically disabled by removing architectural barriers.
- **AMS-3 Fair Housing** - Provide funds for training, education, outreach, and monitoring to affirmatively further fair housing in the County.

During the FY 2024 Annual Action Plan, Richland County will fund the following projects:

- Housing Rehabilitation
- Transitional Housing Rehabilitation
- Affordable Rental Housing Development

- Housing CHDO Set-Aside
- Development of Affordable Housing Payment
- Emergency Solutions Grant Program

### **Actions planned to reduce lead-based paint hazards**

The County is working to reduce potential lead-based paint hazards. Below are the County's activities to reduce lead-based paint hazards are related to rehabilitation and homeownership programs.

#### **Rehabilitation Programs**

Richland County will continue to ensure that:

- Applicants for rehabilitation funding receive the required lead-based paint information and understand their responsibilities.
- Staff properly determines whether proposed projects are exempt from some or all lead-based paint requirements.
- The level of Federal rehabilitation assistance is properly calculated and the applicable lead-based paint requirements determined.
- Properly qualified personnel perform risk management, paint testing, lead hazard reduction, and clearance services when required.
- Required lead hazard reduction work and protective measures are incorporated into project rehabilitation specifications.
- Risk assessment, paint testing, lead hazard reduction, and clearance work are performed in accordance with the applicable standards established in 24 CFR Part 35, Subpart R.
- Required notices regarding lead-based paint evaluation, presumption, and hazard reduction are provided to occupants and documented.
- Program documents establish the rental property owner's responsibility to perform and adhere to ongoing lead-based paint maintenance activities, when applicable.
- Program staff monitors owner compliance with ongoing lead-based paint maintenance activities.

#### **Homeownership Programs**

Richland County will continue to ensure that:

- Applicants for homeownership assistance receive adequate information about lead-based paint requirements.
- County staff properly determine whether proposed projects are exempt from some or all lead based paint requirements.



- A visual assessment is performed to identify deteriorated paint in the dwelling unit, any common areas servicing the unit, and exterior surfaces of the building.
- Prior to occupancy, properly qualified personnel perform paint stabilization, and the dwelling passes a clearance exam in accordance with the standards established in 24 CFR Part 35, Subpart R.
- The home buyer receives the required lead-based paint pamphlet and notices.

According to the 2018-2022 American Community Survey (ACS) 36.7% of housing units within Richland County were built before 1980. These units likely have some level of lead-based paint and issues associated with lead, particularly in units with children aged 6 and under. There are a total of 54,337 units constructed between 1940 and 1979 which is 32 percent of the housing stock.

### **Actions planned to reduce the number of poverty-level families**

According to the 2017-2021 American Community Survey, approximately 16.8% of Richland County's residents live in poverty, while only 14.4% of the State of South Carolina residents live in poverty. Female-headed County households with children are particularly affected by poverty at 20.1%. The County's goal is to reduce the extent of poverty by 5%, based on actions the County can control and work with other agencies/organizations.

The County funded projects/activities under the following goals and strategies to reduce the number of families living in poverty:

- HMS-1 Operation/Support
- HMS-2 Prevention and Re-Housing
- SNS-2 Social Services
- CDS-4 Food Programs
- CDS-5 Public Services

During the FY 2024 Annual Action Plan, Richland County will fund the following projects that will help reduce the number of poverty level families:

- Public Service Activities:
  - Boys & Girls Club
  - Food Share SC
  - Sistercare
  - Healthy Learners
- Housing Rehabilitation
- Public Facility Improvements
- Transitional Housing Rehabilitation

- Affordable Rental Housing Development
- Housing CHDO Set-Aside
- Development of Affordable Housing
- Emergency Solutions Grant Program

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## Actions planned to develop institutional structure

To effectively implement the Five-Year Consolidated Plan and the Annual Action Plans, the County needs to collaborate with a variety of agencies located in Richland County and also in the City of Columbia. Coordination and collaboration between agencies is important to ensuring that the priorities identified in the Five-Year Consolidated Plan within the County are adequately addressed. The key agencies that are involved in the implementation of the Plan, as well as additional resources that may be available are described below.

### Public Institutions –

- **Richland County** – Richland County’s Department of Community Planning and Development will be responsible for the administration of the County’s community development programs, including some of the local programs that assist target income residents. The Department’s responsibilities will include managing and implementing the City’s affordable housing policies, including the Five-Year Consolidated Plan and related documents.
- **Columbia Housing Authority** - The Columbia Housing Authority is one of the primary owners of affordable housing within the community. The Housing Authority also administers the Housing Choice (Section 8) Voucher Program. The County will continue to work in close consultation with the Housing Authority regarding affordable housing issues in Richland County.

**Non-Profit Organizations** – There are several non-profit agencies that serve target income households in Richland County. The County will collaborate with these essential service providers. Some of them include:

- MIRCI
- Homeless No More
- Family Promise of the Midlands
- Harvest Hope
- Transitions
- Alston Wilkes Society
- United Way of the Midlands
- Catholic Charities
- Pathways to Healing
- Midlands Fatherhood Program
- SC Uplift

**Private Industry** – The private sector is an important collaborator in the services and programs associated with the Five-Year Consolidated Plan. The private sector brings additional resources and expertise that can be used to supplement existing services or fill gaps in the system. Lenders, affordable housing developers, business and economic development organizations, and private service providers offer a variety of assistance to residents such as health care, small business assistance, home loan

programs, and assisted housing, among others. The County will work closely with these agencies to meet Five-Year Consolidated Plan goals and objectives.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

Richland County is committed to continuing its participation and coordination with social service agencies, housing agencies, community and economic development agencies, County, Federal, and State agencies, as well as with the private and non-profit sectors, to serve the needs of target income individuals and families in the County. The County solicits funding requests for CDBG, HOME, and ESG funds. The County staff provides help and assistance to the public agencies that receive funding.

### **Discussion:**

#### **Monitoring**

Richland County's Department of Community Planning and Development (Community Development Division) has the primary responsibility for monitoring the County's Annual Action Plan. The Community Development Division will maintain records on the progress toward meeting the goals and the statutory and regulatory compliance of each activity. The Department of Community Planning and Development is responsible for the ongoing monitoring of subrecipients.

For each activity authorized under the National Affordable Housing Act, the County has established fiscal and management procedures that will ensure program compliance and funding accountability. Additionally, the Department will ensure that the reports to the U.S. Department of Housing and Urban Development (HUD) are complete and accurate. The programs will be subject to the Single Audit Act.

For projects, other than CDBG funded activities, a similar reporting format will be used to monitor the Annual Action Plan progress for HOME and ESG activities.

Richland County will provide citizens with reasonable notice of, and the opportunity to comment on its Annual Action Plan in its performance under previously funded CDBG, HOME, and ESG Program Years, and substantial amendments to the Five-Year Consolidated Plan and Annual Action Plans.

Richland County will respond within fifteen (15) days in writing to any written complaints or inquiries from citizens in regard to the CDBG, HOME, and ESG Programs, its housing strategy, or its CAPER. This is described in its Citizen Participation Plan.

Richland County and its subrecipients shall comply with the requirements and standards of 2 CFR Part 200, which is the cost principals for state and local governments and their subrecipients. In addition, the County will have written agreements with each of its subrecipients.

The County will monitor its performance with meeting its goals and objectives with its Five-Year Consolidated Plan. It will review its goals on an annual basis in the preparation of its CAPER and will make adjustments to its goals as needed.

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## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

#### Introduction:

Richland County receives an annual allocation of CDBG, HOME, and ESG funds. Since the County receives these federal allocations, the questions below have been completed, as they are applicable.

### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

*Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.*

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	\$0.00
3. The amount of surplus funds from urban renewal settlements	\$0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	\$0.00
5. The amount of income from float-funded activities	\$0.00
<b>Total Program Income:</b>	<b>\$0.00</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	\$0.00
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.0%

## **HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(l)(2)**

- 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

Richland County does not intend to use any other forms of investment other than those described in 24 CFR 92.205(b). Not Applicable.

- 2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

To ensure affordability Richland County will impose either resale or recapture provisions when using HOME funds for assisting homebuyers, homeowners and/or CHDO projects. Richland County exercises the option to use both recapture and resale provisions to ensure all or a portion of the County's HOME investments will be recouped in the event the household or entity fails to adhere to the terms of the HOME agreement for the duration of the period of affordability. The provision of resale versus recapture is dependent upon the activity: Recapture activity exists for (a) Down Payment Assistance (RCHAP); (b) CHDO projects that are terminated prior to completion or (c) the Housing Rehabilitation program. Resale provision is used only for CHDO homeownership projects. And while neither resale nor recapture, when CHDO's have rental-based activity, the county reserves the right to collect procedures or allow the CHDO to retain the funds.

- 3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:**

HOME funds are granted to participants of RCHAP and Homeowner Rehabilitation programs in the form of deferred forgivable grants. Recapture provisions will ensure Richland County recoups all or a portion of its HOME investments based upon occupancy as principal residence through an affordability period. Another instance where HOME funds will be recaptured is when a CHDO fails to meet all conditions of a contract and as a result, the contract is terminated prior to project completion. The CHDO is then required to repay the full investment back to the County. While Richland County can structure its recapture provisions based on its program design and market conditions, the period of affordability is the basis upon which the HOME investment is recaptured as described in paragraph 24 CFR 92.25 (a)(5)(ii)(A)(5) of the HOME regulations.

Resale provisions are exercised for CHDO homeownership activities only. These provisions ensure that housing developed with HOME funding remains affordable to LMI families through a 15–20-year period of affordability. Housing is purchased and occupied as principal residence by an LMI household. The CHDO executes an instrument (restrictive covenants or a 2<sup>nd</sup> mortgage) prior to closing which will detail the resale terms that include housing is made available for subsequent purchase only to a buyer whose family qualifies as a low-income family and use as principal

residence. The resale requirement must also ensure the price at resale provides the original HOME-assisted owner a fair return on investment (including the homeowner's investment and any capital improvement) and ensure the housing will remain affordable to a reasonable range of low-income homebuyers. The period of affordability is based on the total amount of HOME funds invested in an activity. The document will be filed with the 1st mortgage in the County's Register of Deeds office.

### **Down Payment Assistance (RCHAP)**

The Richland County Homeownership Assistance Program (RCHAP) may provide up to \$10,000 toward the purchase of an existing home, and \$10,000 toward the purchase of a newly constructed home in down payment and closing cost assistance for those who qualify. A five (5) year Deferred Forgivable Loan agreement is used as the mechanism for a recapture provision. With this agreement the HOME assistance is forgiven over a five-year period as long as the homeowner continues to own and live in the assisted unit as their primary place of residence for the five-year period of affordability. If the homeowner does not live within this unit and sells the property within this five-year period, the funds are recaptured as a rate of 20 percent diminishing sliding scale per year. For example, if the housing unit sells at year three of this five-year period, the homebuyer would owe back 60 percent of the subsidy (see chart below).

The housing unit must continue to be the principal residence of the homebuyer. If the borrower does not maintain principal residency in the property for at least five-years from the date of closing, Richland County will recapture all or a portion of the HOME assistance to the homebuyer. Failure to maintain the original terms of the mortgage will result in recapture of the grant. In the case of sale; RCHAP will require repayment of funds to be distributed from the net proceeds of the sale of the property as the holder of the lien in second position. A change in the mortgage is triggered by refinancing, selling, or renting the home within the period of affordability. The recaptured amount of the grant is on a pro-rata basis determined by the amount of time the homeowner has owned and occupied the house and will be measured by the affordability period outlined below.

Home Occupancy Time Limit	Repayment Amount of Loan
Year or less	100%
2 Years (up to)	80%
3 Years (up to)	60%
4 Years (up to)	40%
5 Years (up to)	20%
5 Years and over	0% (Satisfaction of Lien)

Only the direct subsidy allotted to the homebuyer is subject to recapture.

### **Owner-Occupied Rehabilitation Programs**

For the Homeowner Rehabilitation Program, HUD regulations do not require a period of affordability, however, the County self-imposes a ten to fifteen-year affordability period and a Deferred Forgivable Loan agreement as the mechanism for a recapture provision. The HOME



assistance is forgiven on a prorated basis over a ten to fifteen-year period as long as the homeowner continues to own and live in the assisted unit as their primary place of residence for the county's self-imposed ten to fifteen-year periods of affordability. An applicant may only be awarded one grant from this program within a five- year period.

All Richland County loans for homeowner housing rehabilitation will be made based on the applicant's household income verification and their ability to repay the loan and outlined below.

- **Deferred Forgivable Loans** – Assistance will be provided in the form of a deferred forgivable loan. No repayment is required. However, applicants must sign a written affidavit indicating that they will occupy the home as their primary residence for at least two (2) years after assistance is granted through the program.

The period of time where these provisions apply is referred to as the Period of Affordability. The Period of Affordability for resale requirements is determined by the amount of subsidy invested in a housing unit (HOME rule 24 CFR 92.254(a)(5)(i)) For a specific period of time (see table below) a unit if sold must be sold to another family that qualifies as low-income who will use the property as their primary residence. The original homebuyer must receive a fair return on the initial investment; and the property must be sold at a price that is affordable.

Activity	Average Per-Unit Home	Minimum Affordability Period
Rehabilitation or Acquisition of Existing Housing	<\$15,000	5 years
	\$15,000 - \$40,000	10 years
	>\$40,000	>\$40,000 15 years
Refinance of Rehabilitation Project	Any dollar amount	15 years
New Construction or Acquisition of New Housing	Any dollar amount	20 years

### Fair Return on Investment

Richland County's definition of fair return on investment is defined as what a homebuyer can expect back on their return if they sell their unit during the period of required affordability as referenced within their agreement. The fair return is calculated upon the objective standard for Richland County as the percentage of change in median sales prices for housing units within the median statistical area over or during the period of ownership. This calculation basis includes the original investment by the homebuyer with the addition of specific types of upgrades or additions that will add value to the property. These types of upgrades include tangible, structural improvements to the interior or exterior of the home that would remain with the home during and after a sale. These additional homebuyer-financed improvements are not financed by Richland County. A reasonable range of low-income buyers during the point of resale would be low-income buyers as defined 50%-79% current area median income. During depressed or declining market seasons (such as a time of "seller's market"), a loss of investment does constitute a fair return.

4. **Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

Richland County has no plans to refinance debt using HOME funds in FY 2024.

5. **If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).**

Not Applicable.

6. **If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).**

Not Applicable.

7. **If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).**

Not Applicable.

## Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

### 1. Include written standards for providing ESG assistance (may include as attachment)

Richland County's written standards for providing ESG assistance include the following:

- **Coordination** – Each member of the Continuum of Care uses the HMIS System for client data and information. This coordination will be used to determine the services that are to be used to address the needs of the clients.
- **Prioritizing Assistance and Rapid Re-Housing** – Priority will be given to families with children since this is the group that has had the least service in the past and has the greatest need today. The CoC's Rapid Rehousing program prioritizes those who are high acuity and chronic. The CoC-funded programs prioritize families with children, those feeling domestic violence, and those unsheltered.
- **Percentage of Rent and Utilities** – Percentages of costs to be paid will be based on each individual's financial resources, on a case by case basis. Utility costs will not be paid unless arrearages are a barrier to rapid re-housing.
- **Rental Assistance** – A client will only be provided with rental assistance up to one year (12 months).
- **Housing Stabilization** – The average amount of assistance is estimated to be \$1,000 per household for ESG funds.
- **Standards and Procedures Evaluation** – Each individual or family will receive a full evaluation of their needs and case management services that are necessary to stabilize their lives.
- **Street Outreach/Essential Services** – Continuum of Care member organizations will provide street outreach on a monthly basis. Families with children will receive first priority for services.
- **Admission, Referral, Discharge, and Length of Stay** – No person will be denied services based on race, color, religion, national origin, sex, sexual orientation or gender identity, or familial status. All shelters will meet the State Fire Marshall's and State Health Department safety regulations. Accessibility for the handicapped will be provided for the disabled. Each client household will be eligible to receive financial and support services to help maintain their housing up to twenty-four (24) months. A list of rules and regulations will be provided to each applicant. A grievance policy and procedures will be in place in each shelter.
- **Assessing, Prioritizing, and Reassessing** – Each family or individual will be assigned a case manager who will follow them throughout the program. A care plan will be developed with the client and evaluated each month.

**2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.**

The Midlands Area Consortium for the Homeless (MACH) Continuum of Care operates a Coordinated Entry System (CES) across the CoC's 14 counties to help people with a housing crisis find help quickly no matter how or where they seek assistance. CES is designed to ensure that all people experiencing homelessness have fair and equal access to housing, regardless of race, color, national origin, religion, sex, age, familial status, disability, actual or perceived sexual orientation, gender identify, or marital status. The system aims to work with households to understand their strengths and needs, provide a common assessment, and connect them with housing and homeless assistance. Through a standardized assessment and vulnerability screening tools, CES strives to provide assistance to anyone in need and prioritize those with the highest service needs for federally funded housing. The target population of CES are people experiencing homelessness or imminent risk as defined by HUD.

CES works in two phases – initial assessment (Phase I) and vulnerability screening/prioritization (Phase II). Phase I starts with diversion to determine if stable housing can be maintained without a homeless service intervention. If an immediate intervention is still needed after diversion attempts a CES Phase I Assessment is completed in HMIS based on the HUD universal data elements. After initial assessment, the client is referred to resources that best meet their needs and eligibility. Referrals may include prevention funds and sheltering. If the client is assessed to have further long-term needs for housing Phase II is initiated. Phase II includes use of the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SPDAT) vulnerability screening tool. The CoC operates a single, prioritization listing that incorporates the results of the vulnerability screening tool in an addition to length of time homeless (rather than individual agency waitlists). Those with the highest vulnerability and length of time experiencing homelessness are prioritized for federally funded permanent supportive housing.

**3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).**

Richland County Grants & Community Outreach is the department that awards ESG funding to nonprofit organizations. Awards are made through an application and scoring process judged by the County Grants & Community Outreach staff.

Applicants are evaluated based on the following criteria:

- Prior Performance
- Applicant Capacity
- Fiscal Capacity
- Proposed Project

Upon completing the review process, the evaluation team will prepare the rankings of all applicants. Then the final selections of who will receive ESG funds is determined. Successful applicants will be sent a Notice of Intent to Award and offered an opportunity to negotiate an agreement with the County staff.

**4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.**

Richland County consults with agencies, organizations, and the Midlands Area Consortium for the Homeless (MACH) Continuum of Care. MACH has a formerly homeless person on the board. Several organizations representing the homeless population were contacted for input during the planning process and the public meeting was advertised.

**5. Describe performance standards for evaluating ESG.**

Richland County continued to consult with the Continuum of Care to determine the ESG funding priorities to assist homeless persons. The Continuum of Care assisted in the decision-making process for the development of the ESG program. Richland County worked with the Continuum of Care to develop performance standards for projects and activities assisted by ESG funds, including reviewing the standards that the Continuum of Care has established for their sub-grantees.

## Discussion

### CDBG Program Income:

Richland County does not anticipate that it will receive any Program Income during this program year.

### CDBG Percentage:

- Administrative Percentage: 20.0%
- Public Service Percentage: 14.83%
- Low- and Moderate-Income Percentage: 100.0%
- Slum and Blight Activities: 0.0%

Richland County solicited applications for CDBG funds; applications were sent out to a list of agencies, organizations, municipalities, County Departments, and housing providers that had previously submitted an application or which had expressed an interest in submitting an application. The applications were reviewed by the county staff for eligibility and fundability.

Richland County does not limit beneficiaries or provide preference to any segment of the low/mod income population.

**HOME Program Income:**

- Richland County anticipates it will receive \$15,000 in HOME program income during this program year.

**HOME Match:**

- Richland County has excess HOME Match funds from previous years in the amount of \$114,786 as reported in the FY 2022 CAPER. Richland County will have additional HOME Match from bond funds, Federal Home Loan Bank, and other private funds during this program year.

**CHDO Organizations:**

- Richland County has not certified any Community Housing Development Organizations (CHDOs). Once a project has been identified the County will certify the organization based on the project.

**HOME Percentage:**

- Administrative Percentage: 10.0%
- CHDO Set-Aside: 15.0%

Richland County will solicit applications for HOME and HOME CHDO funds; applications are sent out to a list of agencies, organizations, and housing providers that have previously submitted an application or which have expressed an interest in submitting an application. The application is reviewed by the county staff and any questions are discussed with the applicant.

Richland County does not limit beneficiaries or provide preference to any segment of the low/mod income population.

**ESG Match Requirement:**

- Richland County will have \$151,468 in ESG Match during this program year. The ESG Match will come from local and state funds, as well as donations and grants to the ESG sub-grantees.

## Richland County Council Request for Action

**Subject:**

Community Planning & Development - Conservation - Historic Preservation Plan

**Notes:**

June 25, 2024 – The Administration & Finance Committee recommends to approve the development of a Richland County Historic Preservation Plan to be incorporated in the 2025 Comprehensive Plan to guide the County in the preservation and enhancement of its historic and cultural resources.



## Agenda Briefing

Prepared by:	John McKenzie	Title:	Analyst	
Department:	Community Planning & Development	Division:	Conservation	
Date Prepared:	May 23, 2024	Meeting Date:	June 25, 2024	
Legal Review	Patrick Wright via email		Date:	June 6, 2024
Budget Review	Maddison Wilkerson via email		Date:	June 6, 2024
Finance Review	Stacey Hamm via email		Date:	June 7, 2024
Approved for consideration:		Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Administration & Finance			
Subject	Contract for Award RC-654-P-24 Richland County Historic Preservation Plan			

### RECOMMENDED/REQUESTED ACTION:

Staff and the Richland County Conservation Commission (RCCC) request approval for the development of a Richland County (RC) Historic Preservation Plan (HPP) to be incorporated in the 2025 Comprehensive Plan to guide the County in the preservation and enhancement of its historic and cultural resources.

Request for Council Reconsideration: ☒ Yes

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Through the Richland County Procurement solicitation process, Ethos Preservation, LLC of Savannah, GA was selected to prepare the Historic Preservation Plan for the amount of \$192,658.32. The necessary funds are available in Fund 1209; Cost Center 4510 (Conservation Commission).

*Applicable fund, cost center, and spend category:* Fund 1209  
Cost Center: 4510 (Conservation Commission)  
Spend Category: Professional Services

### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Request for Proposal RC-654-P-24, Richland County Historic Preservation Plan was issued on March 20, 2024; there were two (2) responses to the request. An evaluation team of four members reviewed responses. The Highest Ranked offeror was Ethos Preservation LLC.

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

There are no legal concerns regarding this matter.

### REGULATORY COMPLIANCE:

Not applicable.



#### **MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

Conservation Division staff and the Richland County Conservation Commission request approval for the development of Richland County's first HPP. The RCCC voted to proceed with this project at its January 22, 2024 meeting (minutes attached).

In 1998, Richland County Council established the RCCC through an ordinance. Tasked with safeguarding the natural, historical, and cultural resources spread across Richland County (County), the RCCC is comprised of 11 members, each appointed by a County Council member, who volunteer in representing their respective Council districts on the RCCC.

The RCCC and its staff drive the protection of historical and cultural resources through initiatives in tourism enhancement, education, marketing, and historic preservation grant programs outlined in the RCCC's 2022 updated Strategic Plan. The RCCC has also been involved in numerous special projects documenting and preserving the County's history.

The purpose of this project is to prepare an action-oriented, community-wide historic preservation planning document to promote and coordinate critically needed advancement of the protection, preservation, and development of the historic and cultural resources within County unincorporated areas. Although the focus of this work is on County unincorporated areas, the HPP will recognize the historical relevance of the municipalities within the County.

Timing of the delivered HPP will allow it to be incorporated into the County's upcoming 2025 Comprehensive Plan.

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

The Historic Preservation Plan meets the goals in the Strategic Plan for Richland County as outlined below:

- Goal 1 Foster Good Governance - Objectives 1.1, 1.2, and 1.5: The plan was proposed with realistic and achievable goals, a shared vision and agreement with county leadership, and there will be collaboration with other governments.
- Goal 4 Plan for Growth through Inclusive and Equitable Infrastructure – Objective 4.1: The protection of cultural and historical resources and properties is a component of smart growth.
- Goal 5 Achieve Positive Public Engagement - Objectives 5.1, 5.2, 5.5, 5.6, and 5.7: The plan meets these objectives by involving stakeholders in protecting cultural and historical resources of Richland County that are cherished by its citizens and appreciated by visitors.

#### **ATTACHMENTS:**

1. RCCC January 22, 2024 Meeting Minutes



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

**Attendance**

<b>Commissioner</b>	<b>District</b>	<b>Present</b>
Charles Weber	1	Yes
James Young	2	Yes
Wayman Stover	3	Yes
Glenice Pearson	4	Yes
Kip Dillihay	5	Yes
John Grego	6	Yes
Robert Squirewell	7	Yes
Deborah DePaoli	8	Yes
Khali Gallman	9	Yes
Darrell Jackson Jr.	10	No
Gail Rodriguez	11	No

<b>Staff &amp; Visitors</b>	<b>Affiliation</b>
John McKenzie	Conservation Division
Val Morris	Conservation Division
Quinton Epps	Conservation Division
Aric Jensen	Assistant County Administrator

**Call to Order**

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

**Approval of Agenda**

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

**Approval of Minutes**

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

**Report of the Chair**

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

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

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

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

#### **Report from Community Planning & Development**

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

#### **Treasurer’s Report**

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

#### **Historic Preservation Committee (HPC) Report**

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

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

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

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

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

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

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

#### **Natural Resources Committee (NRC) Report**

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

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

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

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

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

#### **Conservation Program Analyst's Report**

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

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

#### **Conservation Manager’s Report**

- **Annual Work Plan – action item:** Epps reported Grego will present the Annual Work Plan to County Council on March 19, 2024. Epps gave a brief overview of the items Grego will cover during the presentation.
- ⇒ **Weber moved to approve the Annual Work Plan which was seconded by Young. Motion passed unanimously.**
- **Staff Vacancy - update:** Epps reported he had an applicant for the Land Planner position, however the applicant declined the offer. He also reported Chelsea Holliday has been hired as the new Administrative Assistant, with a start date of February 12, 2024. In addition, he reported in conjunction with the Planning Department he was able to hire a Sustainability Planner, Jessica Thompson who will start the same date as Holliday.
  - **New Business:** Grego reported on the behalf of RCCC he purchased three trees in honor of Mildred Myers, a former commissioner who passed away in November 2023.
  - **Public Input:** None reported
  - **Adjournment:**

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

Respectfully submitted, Val Morris

## Richland County Council Request for Action

**Subject:**

Community Planning & Development – Planning Services – 2025 Comprehensive Plan Update

**Notes:**

June 25, 2024 – The Administration & Finance Committee recommends Council approve the proposal from Nealon Planning for the 2025 Comprehensive Plan Update in the amount not to exceed \$245,462.50.



## Agenda Briefing

Prepared by:	Geonard Price	Title:	Deputy Director
Department:	Community Planning & Development	Division:	Planning Services
Date Prepared:	June 10, 2024	Meeting Date:	June 18, 2024
Legal Review	Elizabeth McLean via email	Date:	June 18, 2024
Budget Review	Maddison Wilkerson via email	Date:	June 10, 2024
Finance Review	Stacey Hamm via email	Date:	June 11, 2024
Approved for consideration:		Assistant County Administrator	Aric A Jensen, AICP
Meeting/Committee	Administration & Finance		
Subject	2025 Comprehensive Plan Update		

### RECOMMENDED/REQUESTED ACTION:

Staff requests that County Council approve the proposal from Nealon Planning for the 2025 Comprehensive Plan Update in the amount not to exceed \$245,462.50.

Request for Council Reconsideration: ☒ Yes

### FIDUCIARY:

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

### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Approximately \$200,000 is allocated within the FY24 Neighborhood Redevelopment professional services line item for this project. As none of these funds have been spent to date, these funds will be rolled over into FY25 and added to the \$25,000 allocated in that budget. An additional \$25,000 will be allocated in the FY26 budget, for a total of \$250,000.

*Applicable fund, cost center, and spend category:* 1210-6500 - Professional Services

### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Request for Proposals RC-662-P-24 was conducted seeking a company for the 2025 Comprehensive Plan Update for Planning & Community Development Department. Two companies responded to solicitation # RC-662-P-24. A duly appointed evaluation team assessed the submittals and provided their scoring. Nealon Planning PLLC is the highest ranked offeror.

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

There is are no legal concerns regarding this matter.

## REGULATORY COMPLIANCE:

The current version of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 requires that each local government in the state of South Carolina establish a comprehensive plan that includes all elements considered “critical, necessary, and desirable” to guide development and redevelopment in its area of jurisdiction. Furthermore, S.C. Code § 6-29-510(E) requires that:

1. The planning commission must reevaluate the comprehensive plan elements at least every five years; and
2. The comprehensive plan, including all elements, must be updated at least every ten years.

The 2017 South Carolina Guide to Land Use Planning published by The South Carolina Association of Counties opines that "Every ten years, the planning commission must prepare and recommend a new plan, and the governing body must adopt a new comprehensive plan. A comprehensive plan or any element over ten years old may be subject to a legal challenge." (p.11)

## MOTION OF ORIGIN:

There is no associated Council motion of origin.

## STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Comprehensive Plan is the leading policy document for guiding the county's growth and development. The current 2015 version focuses on preserving and creating distinct urban, suburban, and rural communities, as well as identifying priority areas for public investments.

Mandated by state legislation, the plan must include specific elements including, but not limited to: (1) a population element, (2) an economic development element, (3) a natural resources element, (4) a cultural resources element, (5) a community facilities element, (6) a housing element, (7) a land use element, (8) a transportation element, (9) a priority investment element, and effective 2020, (10) a resiliency element.

Each element encompasses an evaluation of current conditions, articulation of needs and objectives, and strategies for implementation within defined timeframes. The main objectives involve understanding population dynamics, safeguarding natural and cultural assets, and adapting land use and infrastructure to accommodate changing demographics and economic landscapes.

The current plan was adopted in 2015 and requires an update by December 2025 to comply with state regulations. This review presents an opportunity to assess progress, address emerging challenges, and align strategies with evolving community needs. The selected consultant for this update, Nealon Planning, will provide the following project scope and deliverables:

*Public Engagement Plan:* This includes stakeholder meetings, social media outreach, a dedicated website, surveys, and other innovative input mechanisms.

*Community Charrettes and Workshops:* Prepare for and present at community charrettes for citizens, property owners, and stakeholders; conduct workshops and visioning sessions with residents, business owners, and County staff; and present formally to the County Council and Planning Commission for public input, plan consideration, and final adoption.



*Participation in Community Events:* Engage in community events in each of the County's 11 Council districts.

*Regular Updates with County Staff:* Hold regular meetings and calls with County staff to provide progress updates and solicit input.

*Research and Analysis:* Analyze existing land use patterns, development trends, traffic patterns, projects, environmental constraints, and regulatory codes to establish existing conditions and identify major issues and opportunities. Use data to prepare estimates, projections, and forecasts, and identify future growth areas. All GIS data and maps should be included.

*Formulation of Objectives and Policies:* Recommend objectives and policies based on goals set by County Council, direction from other County plans, participatory process results, and data analysis.

*Implementation Strategies:* Develop implementation strategies with timelines, provide a detailed framework plan for execution, and estimate costs for implementation.

*Future Land Use Map:* Update the Future Land Use Map.

*Resiliency and Sustainability Elements:* Incorporate new Resiliency and Sustainability Elements and update all other remaining plan elements into the Comprehensive Plan.

*Goals and Implementation Strategies:* Develop specific goals and implementation strategies.

*Housing Element Analysis:* Solicit input from homebuilders and other experts to analyze the Housing Element related to the expansion of workforce housing.

*Parcel-Level Land Use Inventory:* Conduct a detailed inventory to determine current land use, addressing the balance between preserving rural character and accommodating growth, prosperity, and new economic development/job creation.

These deliverables will ensure that the updated Comprehensive Plan reflects the community's vision and meets legislative requirements.

Engagement with stakeholders, including residents, businesses, and community groups, will be instrumental in gathering diverse perspectives and ensuring the updated plan reflects the community's aspirations. Utilizing analysis and future projections will allow decision-makers to make informed choices and develop effective strategies to address challenges like population growth, economic fluctuations, and infrastructure needs.

Transparency and communication are essential throughout the review process to foster public trust and engagement. By maintaining open dialogue and involving the community at various stages, Richland County can develop a comprehensive plan that effectively guides sustainable growth and enhances the quality of life for its residents.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Objective 1.4 - Collaborate with other governments: During the process, a working relationship with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to assure specific elements of the Comprehensive Plan are addressed.
- Objective 2.2 - Evaluate the community specific capacity for additional shopping and amenity recruitment: Public involvement will enable the gathering of input regarding the preferences and favored locations for community amenities.
- Objective 3.2 - Establish process to prioritize initiatives to align with available resources: Creating preferred development patterns in designated areas across Richland County will facilitate the allocation of resources in a prioritized manner.
- Objective 4.1 - Establish plans and success metrics that allow for smart growth: Collaborating with stakeholders and fostering open dialogue within the community will facilitate the determination of the methods and locations for implementing smart growth initiatives.
- Objective 4.2 - Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations: Aligning with other departments to assess potential infrastructure requirements will enable the strategic development of short and long-term funding measures as needed.
- Objective 4.3: Create excellent facilities: Collaborating with community partners on ways to deliver services aimed at enriching the quality of life for its residents.

## Richland County Council Request for Action

**Subject:**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl

**Notes:**

March 26, 2024 – The A&F Committee recommended Council approve the proposed revisions to Chapter 5, Animals and Fowl, of the County Code of Ordinances.

First Reading: April 9, 2024

Second Reading: July 2, 2024 {Tentative}

Third Reading:

Public Hearing: July 2, 2024



### Informational Agenda Briefing

Prepared by:	Tish Gonzalez	Title:	Senior Assistant County Attorney
Department:	County Attorney's Office	Division:	
Date Prepared:	June 26, 2024	Meeting Date:	July 2, 2024
Approved for consideration:		Assistant County Administrator	Lori J. Thomas, MBA, CGFO
Meeting/Committee	Regular Session		
Subject:	An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl		

Revisions are proposed to Chapter 5, Animals and Fowl, of the County Code of Ordinances that are in addition to the revisions previously submitted before Richland County Council for first reading on April 9, 2024.

The additional revisions are made in response to staff meeting with stakeholders and are proposed as agreed upon and as being in the best interest of Richland County.

#### ATTACHMENTS:

1. Chapter 5 - Animal Care Ordinance Redlined version (with additional revisions highlighted)
2. Chapter 5 - Animal Care Ordinance revised (with additional revisions highlighted)
3. Summary of Ordinance Revisions

**Richland County  
STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following-language:

**CHAPTER 5: ANIMALS ~~AND FOWL~~**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* ~~The owner or custodian's failure to provide for its animal the necessities of life and well-being or shall mean~~ to desert, forsake, or ~~intend to give up absolutely an-its~~ animal without securing another owner ~~or custodian~~. ~~This section does not include the responsible return of community cats trapped, sterilized, and returned to the area from which they were trapped.~~

*Abuse.* ~~shall mean the~~ The act of any ~~owner or custodian person~~ who deprives ~~any-its~~ animal of necessary sustenance or shelter, or ~~of a person who~~ inflicts unnecessary pain or suffering upon any animal, or ~~of a person causing~~ causes these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* ~~shall mean any A~~ person employed by the county to enforce the animal care program~~an~~.

*Animal Care Facility.* ~~shall mean any Any~~ premises designated ~~or selected~~ by the county for the purpose of impound~~ing~~, care, adoption, or euthanasia of animals held under ~~the~~ authority of this chapter.

*At large.* ~~shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not~~ Not under restraint ~~or confinement~~. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. ~~For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.~~

*Commercial pet breeder.* ~~Any~~ A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or

boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

*Community Cat*, also called “free-roaming cat,” ~~shall mean a~~ domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time, ~~has little or no human contact, is not well socialized to humans,~~ and has no known owner. Pets and/or, house cats which are outside outdoors periodically, ~~and stray cats (lost or abandoned house pets)~~ are specifically excluded from this definition.

*Custodian.* AnyA person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner. This definition does not apply to citizens engaged in humane TNR activity associated with the trap, sterilize, and return of community cats.

*Dangerous or vicious animal*, ~~shall mean:~~

(a) Dangerous or vicious animal means:

- (1) ~~AnyAn~~ animal, which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, ~~to~~ cause injury to, or ~~to~~ otherwise endanger the safety of human beings, ~~or domestic animals, or livestock;~~ ~~or~~
- (2) ~~AnyAn~~ animal which bites or attacks a human being, ~~or domestic animal, or livestock~~ one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner; ~~or~~
- (3) ~~AnyAn~~ animal, ~~which is while~~ not under restraint or confinement, ~~and~~ which commits one or more unprovoked acts, without provocation, and those acts that causes a person to reasonably believe ~~that~~ the animal will bite or attack and cause bodily injury to a human being, ~~or domestic animal, or livestock;~~ or
- (4) ~~AnyAn~~ animal ~~owned~~, kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or ~~an animal~~ which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

*Domestic*, ~~shall mean any animal which~~ To shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Feral animal.* An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

Fowl. Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

Harboring. Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within ~~any~~ premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

Impound. The humane confinement of the animal by an Animal Care Officer at an animal care facility.

Livestock. Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

~~Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.~~

~~Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.~~

Owner. shall mean any ~~Any~~A person who:

- (1) Has a property right in ~~an~~ the animal;
- (2) Keeps or harbors ~~an~~ the animal, ~~or who~~ has it in ~~his or her~~its care, or acts as its custodian;  
or
- (3) Permits ~~an~~ the animal to remain on or about ~~any~~ premises ~~occupied by him or her~~it owns or occupies.

This definition does not apply to citizens engaged in humane TNR activity associated with the trap, sterilize, and return of community cats.

Pet. ~~shall mean a domestic~~Domestic dog (*canis lupus familiaris*~~cants familiaris~~) and/or ~~a~~ domestic cat (*felis catus*~~domestictus~~). When applicable, pet shall also mean any animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Provocation. ~~shall mean any~~AnyAn act done towards an animal that a reasonable person would expect to enrage such an animal to the extent ~~that~~ the animal would be likely to, or did, bite, ~~or~~ attack, and/or cause bodily injury. Provocation including includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. ~~Where~~ When an animal is attacked on ~~its owner's~~ the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include ~~any~~ actions on the part of an individual that pertain to reasonable efforts of self-defense, ~~or~~ defense of others, or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. ~~shall mean any~~Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to ~~appropriately sized for the pet to stand or lie in a normal manner.~~ The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the

elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to ~~anya~~ dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- (1) ~~on~~ On the premises of its owner or ~~keeper-custodian indoors;~~
- (2) On the premises of its owner or custodian outdoors ~~by means of on~~ a leash or other similar restraining device or, within a fenced-in area or other similar restraining device;
- (3) ~~, or is on~~ On the premises of its owner or ~~keeper-custodian and while~~ accompanied by ~~the~~ its owner ~~keeper or custodian;~~ or
- (4) ~~an animal that is off~~ Off the premises of its owner or ~~keeper-custodian but is while~~ accompanied by its owner or ~~keeper-custodian~~ and is under ~~the~~ physical control of such owner or ~~keeper-custodian~~ by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

~~Wild or feral animal shall mean any~~ An animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

**Sec. 5-2. License for dogs and cats; Differential county and commercial pet breeder licenses, license fees; rabies vaccination tags.**

For the purpose of this section, pet shall mean domestic dog and/or domestic cat.

(a)

(b) It shall be unlawful for the owner or custodian of ~~anya~~ pet to fail to obtain a current county pet license for ~~anya~~ pet over four (4) months of age, ~~a current county pet license.~~

(1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets within the unincorporated area of the county at all times.

(2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

(3) It shall be unlawful for the ~~The~~ owner or custodian of ~~anya~~ pet over four (4) months of age to fail to vaccinate the pet and obtain ~~must also have~~ a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of ~~inoculation-vaccination~~ is shown.

(a)(4) ~~Any~~ A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) ~~business-calendar~~ days in which to obtain the license.



(c) License fees.

(1) ~~The annual~~ Annual license fees. Annual license fees for fertile and sterilized pets shall be established ~~and approved~~ by the county council. Licenses will expire one (1) year after the date of issue, and owners/custodians must renew the license prior to its expiration will have until the end of the month of original issue to renew the licenses.

(2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

a. ~~Any~~A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;

b. ~~Any~~An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or

c. ~~Any~~An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.

~~(b)-(3)~~ (3) ~~Any~~An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

~~(e) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.~~

**Sec. 5-3. Permit for commercial pet breeding.**

(a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to ~~anya~~ litter being delivered.

~~(d)~~ (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit ~~license~~ from the county Animal Services Department. The requirements for such ~~To obtain a license are as follows~~ commercial pet breeder permit:

(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.

(1) Applicants Before applying for a permit, the applicant must first have obtained:

a. A County Business License issued by the Richland County Business Service Center; and

~~(2)b. County pet licenses and rabies vaccinations for all pets that have reached the age of over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2, currently licensed with a county pet license, before applying for the commercial pet breeder license.~~

~~(2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.~~

~~(3) The permit applicant must pass an inspection. The Animal Care Department/Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the property premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met: for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.~~

~~(4)(3) During an inspection, an Animal Care Officer will be looking for the following:~~

~~(1)a. The enclosure or other area(s) where the pets are being kept should be is constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year;~~

~~(2)b. The location of all pet enclosures should be in such a position so that they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be and kept clean and free from accumulations of feces, filth, mud, and debris;~~

~~(3)c. Every pet on the premises should have has constant access to a clean and fresh water supply. All pets must also have and an adequate amount of appropriate food appropriate to maintain each pet's normal condition of health;~~

~~d. The premises must be where the pets are kept is set up in such a manner as to not allow prevent pets to from straying beyond their enclosed confines or other areas and. The setup must also prevents the public and stray animals from obtaining entrance into thereto or gaining making contact with any the pets on the premises;~~

~~(4)e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.~~

~~f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County and - failure to maintain these requirements may result in a revocation of the permit.~~

~~(5) (c) Restrictions:~~

~~(5)(1) A license permit will not be issued to an applicant who has been previously found guilty of violating that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.~~

~~(6) License application should be made prior to any litter being delivered.~~

~~(7)(2) A permit will only be valid if there also exists a valid business license and only for the applicant and A commercial pet breeder license is not transferrable to another person or location listed on the application. The permit is non-transferable.~~

~~(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.~~

~~(9) Any violations or alleged violation found under the provisions of this Chapter shall be grounds for the suspension revocation of the commercial pet breeder license permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal, if deemed necessary by the Animal Care Department. Reinstatement of such license shall be determined on a case-by-case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued~~

~~(3) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in the commercial pet breeder's custody.~~

~~(d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.~~

~~(e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.~~

### **~~Sec. 5-3. Exemptions from differential licensing fees.~~**

~~(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:~~

~~(1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;~~

~~(2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance events within the past twelve months;~~

- ~~(3) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- ~~(b) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.~~
- ~~(c) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.~~

**Sec. 5-4. Animal care, generally.**

(a) It shall be unlawful for an owner or custodian to fail to provide its animals with:

- (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
- (2) Proper protection from the weather;
- (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
- (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
- (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:

a. Dogs.

- 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
- 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
- 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.
- 4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

- 1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.

2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
  3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.
- (b) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.
- (c) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:
- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
  - (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.
- (d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.
- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.
- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.
- (h) It shall be unlawful for a person to dye or color artificially anyan animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for anyan owner or custodian to abandon an animal in the unincorporated area of the county.

**Community Cat Diversion Program.**

(a) ~~— Purpose. It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.~~

(b) ~~— Scope. This section shall apply only to healthy free-roaming and Community Cats. Well-socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.~~

(c) ~~— Procedures:~~

(1) ~~— Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:~~

~~i. Assessed by a veterinarian to determine the condition of health;~~

~~ii. Spayed or neutered, as needed;~~

~~iii. Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;~~

~~iv. Ear-tipped for identification.~~

(2) ~~— All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.~~

(3) ~~— Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community. However, a Community Cat will be relocated if a request from a property owner within the community requests that the cat be relocated to a location other than where it was trapped.~~

(4) ~~— The county shall have no liability for cats in the Program.~~

(5) ~~— Community Cats are exempt from licensing and related fees.~~

#### **Sec. 5-5. Running at large—restraint.**

(a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and any animal not so restrained or confined will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered/sterilized or community cats trapped, sterilized, and returned those cats in the Community Cat Diversion Program.

(b) Dogs ~~that are~~ participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered "at large."

(c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians. ~~In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to~~



~~pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.~~

~~(e)(d) Any~~An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

#### **Sec. 5-6. Nuisance animals.**

(a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.

(b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of any animal are hereby declared to be a nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;

(2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and return community cats;

(3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;

(4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.

(5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;

(6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;

(7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or

(9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals

(c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.**Removal of excrement.**

~~The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.~~

**Sec. 5-7. Dangerous or vicious animal.**

(a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.

(b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:

(1) Dogs:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to any animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond



its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.

- d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

#### **Injured or diseased animals.**

~~Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal.~~

~~Any domestic animal received by the animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.~~

#### **Sec. 5-8. Tethering.**

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:

- (1) The pet is older than six (6) months;
- (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
- (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
- (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
- (5) The pet has access to fresh water and shelter, as defined in this chapter;
- (6) The pet is not sick or injured;
- (7) Every female confined by a tether and unattended is sterilized; and
- (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:

a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or

—If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements. **Nuisance animals.**

~~(a) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:~~

~~(1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;~~

~~(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.;~~

~~(3) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);~~

~~(4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(6) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety,, density, or location of the animals on the property.;~~

~~(7) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;~~

~~(8) Maintaining an animal that is diseased and dangerous to the public health;~~

~~(9) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.~~

~~(b) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.~~

~~(c) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.~~

**~~Sec. 5-9. Animal care, generally.~~**

~~(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

~~(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.~~

- ~~(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.~~
- ~~(d)b. \_\_\_\_\_ It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.~~

#### **Sec. 5-~~109~~. Sale of animals.**

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, ~~anyan~~ animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk ~~adjacent thereto~~, or at any flea market, fair, or carnival. ~~Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection.~~
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- ~~(c)~~ No person shall sell, offer for sale, or give away ~~anya~~ pet under eight (8) weeks of age, except ~~as to~~ surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- ~~(e)(d)~~ This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

#### **Sec. 5-~~110~~. Care of animals during transport.**

During ~~the~~ transportation, ~~of~~ an animal, ~~the animal~~ must be provided ~~with~~ adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

#### **Sec. 5-11. Injured or diseased animals.**

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) AnyA domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

#### **Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

#### **Sec. 5-13. Prohibited, exceptions.**

(a) Except as provided in subsection (b), it shall be unlawful for any person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:

- (1) Non-domestic members of the cat family (Felidae);
- (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
- (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
- (4) Raccoons (Procyonidae);
- (5) Bear (Ursidae);
- (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
- (7) Bats (Chiroptera);
- (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodilia);
- (9) Scorpions (Scorpiones);
- (10) Constricting snakes of the following species: Reticulated Python (Python reticulatus), Burmese Python (Python bivittatus), Indian rock Python (Python molurus), African Rock Python (Python Sebae), and Anaconda (Eunectes murinus - all types);
- (11) Venomous reptiles;
- (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
- (13) Non-domesticated members of the order placental mammals (Carnivora);
- (14) Other wildlife not listed;
- (15) Animals of mixed domestication and feral lineage; or
- (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.

(b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:

- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
- (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
- (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
- (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-1214. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto any privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereupon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such the animal and may take immediately seize custody of the animal when, in his or her the officer's sole opinion, it requires removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian. If an Animal Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard.
- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) The After the animal is seized pursuant to this section, the Animal Care Officer shall thereafter petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or
- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

(a) , which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

~~If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

- ~~(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.~~

**Sec. 5-~~13~~15. Impounding, surrender.**

- ~~(a) Any~~An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the ~~in violation of the~~ provisions of this chapter may be caught or seized and impounded by an Animal Care Officer~~county authorities~~. If an ~~the~~ animal cannot be caught or seized in a safe, and efficient manner, the Animal Care Officer ~~animal care personnel~~ may tranquilize the animal by use of a tranquilizer gun.

- ~~(a) The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days, except as provided in subsection (f) below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.~~

- ~~(b) When a person arrested is, at the time of the~~ an arrest, in charge of an animal, the county Animal Care Department~~Animal Services Department~~ may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

- ~~(c) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.~~

- ~~(d) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code 47-3-510 (Supp. 1999).~~

~~—The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code 47-3-540 (Supp. 1999).~~

~~—Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other~~



~~animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.~~

~~(d) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal Care Department, with assurance from the owner that proper care and custody will be maintained.~~

~~(e) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.~~

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~~If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.~~

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~~If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion~~

~~of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

(b)

(c) Nothing in this subsection ~~(f)~~ shall be construed as to prohibit the immediate euthanizing euthanization of a critically injured or ill an animal for humane purposes at any time after impoundment impoundment of the animal and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.-

~~(f)~~ An owner or custodian may surrender its Any animal surrendered to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be adopted placed for adoption or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

~~(g)~~(d) It shall be unlawful for ~~any~~a person to furnish false information on the animal surrender form.

#### **Sec. 5-1416. Civil hearing petition and hearing procedure.**

(a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:

(1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or

(2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.

(b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.

(c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized



- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
- (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
- (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.
- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

#### **Sec. 5-17. Redemption.**

- (a) The owner or ~~keeper~~ custodian of ~~any~~ animal ~~that has been~~ impounded ~~under~~ pursuant to the provisions of this chapter, ~~and which has not been determined by the Animal Care Department to be dangerous or vicious,~~ shall have the right to redeem such ~~pet~~ animal at any time within the legal detention period outlined in Section 5-13 prior to the applicable redemption deadline upon payment of all fees, ~~established and required by the Animal Care facility. No pet will be released without proof of inoculation vaccination, and without an implanted microchip,~~ provided that all other redemption requirements have been met. The fees set forth shall be doubled for ~~any~~ pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.:-
- (b) No fertile pet shall be redeemed unless one of the exceptions in Section 5-3(a) has been met. The requirements that a pet ~~Impounded animals~~ must be spayed or neutered before being redeemed prior to redemption, unless the owner or custodian of the animal can provide:

- (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
- (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
- (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.

(c) Positively identifiable animals:

- (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
- (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.
- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.

(d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.

(e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.

~~(b)(f) \_\_\_\_\_ shall not be waived pursuant to the exceptions in Section 5-3 (a) if~~ If the animal has been impounded more than once for a violations of this chapter, In such instances, the pet animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, -and the costs of such shall be added to all other required redemption fees.

~~(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.~~

**Sec. 5-~~15~~18. Adoption.**

- (a) AnyAn animal impounded under the-any provisions of this chapter, which is the property of the county Animal Services Department, may, at the end of the legal detention period, be adopted, provided the new owner will-agrees to comply with the provisions contained herein and pays all applicable fees.

- ~~(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.~~
- ~~(e)(b) These individuals adopting puppies or kittens too young to be neutered, or spayed, or receive rabies inoculations-vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later time-date to have these procedures performed/aeaccomplished. In the event the-The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.~~

**~~Sec. 5-16. Prohibited, exceptions.~~**

- ~~(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:~~
- ~~(1) Non-domestic member of the family felidae;~~
  - ~~(2) Wolf-dog hybrid containing any percentage of wolf;~~
  - ~~(3) Badger, wolverine, weasel, skunk and mink;~~
  - ~~(4) Raccoon;~~
  - ~~(5) Bear;~~
  - ~~(6) Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;~~
  - ~~(7) Bat;~~
  - ~~(8) Alligator, crocodile and caiman;~~
  - ~~(9) Scorpion;~~
  - ~~(10) Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, euneetes murlnus;~~
  - ~~(11) Venomous reptile;~~
  - ~~(12) Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;~~
  - ~~(13) Any lizard over two feet which is a members of the family varanidae;~~
  - ~~(14) Any non-domesticated member of the order Carnivora;~~
  - ~~(15) Any wild or feral animal; or~~
  - ~~(16) Any animal of mixed domestication and feral lineage.~~
- ~~(b) It shall be lawful for any person to own, keep, harbor, act as custodian of any make not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or~~

~~contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).~~

~~(e) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.~~

~~(d) The prohibitions contained in subsections (a) and (b) above, shall not apply in the following circumstances:~~

~~(1) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study;~~

~~(2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;~~

~~(3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;~~

~~(4) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.~~

#### **Sec. 5-1719. Interference with animal care officers.**

It shall be unlawful for ~~any~~ person to interfere with, hinder, or molest an Animal Care Officer in the performance of ~~his or her~~their duty or seek to release ~~any~~an pet animal in the custody of an Animal Care Officer without such officer's consent.

#### **Sec. 5-1820. Complainant's identification ~~to remain confidential~~.**

~~Any~~A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of ~~any~~an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of ~~his or her~~their identity.

#### **Sec. 5-1921. TNR/Community Cat Diversion.**

"Trap, Neuter, and Return" or TNR is the approach to preventing or reducing cat overpopulation whereby community cats located in the county may be: humanely trapped by citizens; spayed or neutered, vaccinated, and eartipped by licensed veterinarians; and, returned to the area from which they were trapped. This approach is also referenced in this chapter as "trap, sterilize, and return." Richland County recognizes the need to prevent or reduce cat overpopulation and that citizens voluntarily engage in humane TNR activity to achieve this goal with cooperation from facilities which may elect to implement programs to assist citizens with the TNR approach. Facilities, as defined in this section, mean facilities which are not the county's animal care facility, and are: veterinary hospitals or clinics operated by veterinarians; or, facilities operated, owned, or maintained

by an incorporated humane society or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Community Cats are exempt from licensing and related fees.

**Sec. 5-22. Penalties.**

(a) ~~Any~~A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) ~~The Any~~An owner or ~~person having charge or custody~~ custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter ~~crueelly used who is convicted of any violation of this chapter~~ forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person ~~who is charged with or~~ convicted of ~~a such~~ violation ~~of this chapter must~~ may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Jesica Mackey, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Tid Gonzales 01/26/2024  
\_\_\_\_\_  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:  
Second Reading:  
Public Hearing:  
(b) Third Reading:

DRAFT

**Richland County  
STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* The owner or custodian's failure to provide for its animal the necessities of life and well-being or to desert, forsake, or give up absolutely its animal without securing another owner or custodian. This section does not include the responsible return of community cats trapped, sterilized, and returned to the area from which they were trapped.

*Abuse.* The act of an owner or custodian who deprives its animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon an animal, or of a person causing these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* A person employed by the county to enforce the animal care program.

*Animal Care Facility.* A premise designated or selected by the county for the purpose of impound, care, adoption, or euthanasia of animals held under the authority of this chapter.

*At large.* Not under restraint or confinement.

*Commercial pet breeder.* A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

*Community Cat,* also called "free-roaming cat." A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time and has no known owner. Pets and/or house cats which are outdoors periodically are specifically excluded from this definition.



***Custodian.*** A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner. This definition does not apply to citizens engaged in humane TNR activity associated with the trap, sterilize, and return of community cats.

***Dangerous or vicious animal.***

(a) Dangerous or vicious animal means:

- (1) An animal which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, cause injury to, or otherwise endanger the safety of human beings, domestic animals, or livestock;
- (2) An animal which bites or attacks a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner;
- (3) An animal, while not under restraint or confinement, which commits one or more acts, without provocation, that causes a person to reasonably believe the animal will bite or attack and cause bodily injury to a human being, domestic animal, or livestock; or
- (4) An animal kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

***Domestic.*** To share the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

***Feral animal.*** An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

***Fowl.*** Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

***Harboring.*** Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within a premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

***Impound.*** The humane confinement of the animal by an Animal Care Officer at an animal care facility.

***Livestock.*** Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.



**Owner.** A person who:

- (1) Has a property right in the animal;
- (2) Keeps or harbors the animal, has it in its care, or acts as its custodian; or
- (3) Permits the animal to remain on or about premises it owns or occupies.

This definition does not apply to citizens engaged in humane TNR activity associated with the trap, sterilize, and return of community cats.

**Pet.** Domestic dog (*canis lupus familiaris*) and/or domestic cat (*felis catus*). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

**Provocation.** An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent the animal would be likely to, or did, bite, attack, and/or cause bodily injury. Provocation includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. When an animal is attacked on the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include actions on the part of an individual that pertain to reasonable efforts of self-defense, defense of others, or defense of another animal.

**Seizure.** The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

**Shelter.** Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

**Tether.** To fasten, chain, tie, secure, or restrain an animal by a collar or harness to a dog house, tree, fence, or other stationary object or structure.

**Under restraint or confinement.** Under restraint or confinement shall mean an animal that is:

- (1) On the premises of its owner or custodian indoors;
- (2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;
- (3) On the premises of its owner or custodian while accompanied by its owner or custodian; or
- (4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

**Unincorporated area of the county.** The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

## **Sec. 5-2. License for dogs and cats; rabies vaccination tags.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and/or domestic cat.
- (b) It shall be unlawful for the owner or custodian of a pet to fail to obtain a current county pet license for a pet over four (4) months of age.

- (1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words “pet license.” Such tags must be worn by all pets within the unincorporated area of the county at all times.
- (2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.
- (3) It shall be unlawful for the owner or custodian of a pet over four (4) months of age to fail to vaccinate the pet and obtain a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of vaccination is shown.
- (4) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) calendar days in which to obtain the license.

(c) License fees.

- (1) Annual license fees. Annual license fees for fertile and sterilized pets shall be established by the county council. Licenses will expire one (1) year after the date of issue and owners/custodians must renew the license prior to its expiration.
- (2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:
  - a. A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;
  - b. An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - c. An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (3) An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

**Sec. 5-3. Permit for commercial pet breeding.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to a litter being delivered.

(b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit from the county Animal Services Department. To obtain a commercial pet breeder permit:

(1) Before applying for a permit, the applicant must first have obtained:

- a. A County Business License issued by the Richland County Business Service Center; and
- b. County pet licenses and rabies vaccinations for all pets over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2.

(2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.

(3) The permit applicant must pass an inspection. The Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met:

- a. The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;
- b. The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;
- c. Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health;
- d. The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise;
- e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.
- f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued and failure to maintain these requirements may result in a revocation of the permit.

(c) Restrictions:

- (1) A permit will not be issued to an applicant who has been previously found guilty of violating any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- (2) A permit will only be valid if there also exists a valid business license and only for the applicant and location listed on the application. The permit is non-transferable.
- (3) Any violation or alleged violation of this chapter shall be grounds for the revocation of the permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing.

Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal.

- (d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.
- (e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

#### **Sec. 5-4. Animal care, generally.**

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
  - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
  - (2) Proper protection from the weather;
  - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
  - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
  - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
    - a. Dogs.
      - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
      - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
      - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.

4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
  2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
  3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.
- (b) It shall be unlawful for a person to leave an untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.
- (c) It shall be unlawful for a person to leave an untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:
- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
  - (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.
- (d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.
- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.
- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.

- (h) It shall be unlawful for a person to dye or color artificially an animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for an owner or custodian to abandon an animal in the unincorporated area of the county.

#### **Sec. 5-5. Running at large.**

- (a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and an animal not so restrained or confined will be deemed unlawfully running at large. This section shall not apply to domestic cats that have been sterilized or community cats trapped, sterilized, and returned.
- (b) Dogs participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered at large.
- (c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.
- (d) An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

#### **Sec. 5-6. Nuisance animals.**

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.
- (b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of an animal are hereby declared to be a nuisance and are, therefore, unlawful:
  - (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
  - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and return community cats;
  - (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
  - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
  - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;

- (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
  - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
  - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
  - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals
- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.

**Sec. 5-7. Dangerous or vicious animal.**

- (a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.
- (b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:
  - (1) Dogs:
    - a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
    - b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
    - c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
    - d. Proper confinement provisions of this subsection shall not apply to an animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.
  - (2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
  - b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
  - c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.
  - d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.
- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

#### **Sec. 5-8. Tethering.**

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:
- (1) The pet is older than six (6) months;
  - (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
  - (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
  - (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
  - (5) The pet has access to fresh water and shelter, as defined in this chapter;
  - (6) The pet is not sick or injured;
  - (7) Every female confined by a tether and unattended is sterilized; and
  - (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:
    - a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour



period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or

- b. If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements.

#### **Sec. 5-9. Sale of animals.**

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, an animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away a pet under eight (8) weeks of age, except to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

#### **Sec. 5-10. Care of animals during transport.**

During the transportation of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

#### **Sec. 5-11. Injured or diseased animals.**

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) A domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

#### **Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

#### **Sec. 5-13. Prohibited, exceptions.**

- (a) Except as provided in subsection (b), it shall be unlawful for a person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:

- (1) Non-domestic members of the cat family (Felidae);
- (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
- (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
- (4) Raccoons (Procyonidae);
- (5) Bear (Ursidae);
- (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
- (7) Bats (Chiroptera);
- (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);
- (9) Scorpions (Scorpiones);
- (10) Constricting snakes of the following species: Reticulated Python (*Python reticulatus*), Burmese Python (*Python bivittatus*), Indian rock Python (*Python molurus*), African Rock Python (*Python Sebae*), and Anaconda (*Eunectes murinus* - all types);
- (11) Venomous reptiles;
- (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
- (13) Non-domesticated members of the order placental mammals (Carnivora);
- (14) Other wildlife not listed;
- (15) Animals of mixed domestication and feral lineage; or
- (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.

(b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:

- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
- (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
- (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
- (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereon. Once upon the premises, the officer may examine the animal and may immediately seize the animal when, in the officer's sole opinion, removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian.
- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) After the animal is seized pursuant to this section, the Animal Care Officer shall petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

**Sec. 5-15. Impounding, surrender.**

- (a) An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter may be caught or seized and impounded by an Animal Care Officer. If the animal cannot be caught or seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (b) When a person is, at the time of an arrest, in charge of an animal, the county Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- (c) Nothing in this subsection shall be construed as to prohibit the immediate euthanizing of an animal after impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

- (d) An owner or custodian may surrender its animal to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be placed for adoption or euthanized. It shall be unlawful for a person to furnish false information on the animal surrender form.

**Sec. 5-16. Civil hearing petition and hearing procedure.**

- (a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:
  - (1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or
  - (2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.
- (b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.
- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
  - (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
  - (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

#### **Sec. 5-17. Redemption.**

- (a) The owner or custodian of an animal impounded pursuant to the provisions of this chapter shall have the right to redeem such animal prior to the applicable redemption deadline upon payment of all fees, proof of vaccination, and an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for a pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.
- (b) Impounded animals must be spayed or neutered prior to redemption, unless the owner or custodian of the animal can provide:
- (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
  - (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (c) Positively identifiable animals:
- (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
  - (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.

- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.
- (d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.
- (e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.
- (f) If the animal has been impounded more than once for a violation of this chapter, the animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

#### **Sec. 5-18. Adoption.**

- (a) An animal impounded under any provision of this chapter, which is the property of the county Animal Services Department, may be adopted, provided the new owner agrees to comply with the provisions contained herein and pays all applicable fees.
- (b) Individuals adopting puppies or kittens too young to be neutered, spayed, or receive rabies vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later date to have these procedures performed. The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date.

#### **Sec. 5-19. Interference with animal care officers.**

It shall be unlawful for a person to interfere with, hinder, or molest an Animal Care Officer in the performance of their duty or seek to release an animal in the custody of an Animal Care Officer without such officer's consent.

#### **Sec. 5-20. Complainant's identification.**

A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of their identity.

#### **Sec. 5-21. TNR/Community Cat Diversion.**

"Trap, Neuter, and Return" or TNR is the approach to preventing or reducing cat overpopulation whereby community cats located in the county may be: humanely trapped by citizens; spayed or neutered, vaccinated, and eartipped by licensed veterinarians; and, returned to the area from which they were trapped. This approach is also referenced in this chapter as "trap, sterilize, and return." Richland County recognizes the need to prevent or reduce cat overpopulation and that citizens voluntarily engage in humane TNR activity to achieve this goal with cooperation from facilities which may elect to implement programs to assist citizens with the TNR approach. Facilities, as defined in this section, mean facilities which are not the county's animal care facility, and are: veterinary hospitals or clinics operated by veterinarians; or, facilities operated, owned, or maintained by an incorporated humane society or other nonprofit organization for the purpose of providing for and

promoting the welfare, protection, and humane treatment of animals. Community Cats are exempt from licensing and related fees.

**Sec. 5-22. Penalties.**

- (a) A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.
- (b) An owner or custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person convicted of such violation may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Jessica Mackey, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Tid Gonzales 01/26/2024  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:

Second Reading:  
Public Hearing:  
Third Reading:

DRAFT



# The County of Richland

**PATRICK L. WRIGHT**  
County Attorney  
Chief Legal Officer



**P.O. Box 192**  
Columbia, SC 29202  
803-576-2070

## OFFICE OF THE COUNTY ATTORNEY

June 26, 2024

### INFORMATIONAL AGENDA BRIEFING Summary of Ordinance Revisions

<b>Additional Ordinance Revisions made to the Revised Ordinance Submitted April 9, 2024 for First Reading</b>	
<b><u>Section</u></b>	<b><u>Changes</u></b>
<ul style="list-style-type: none"> <li>Sec. 5-1. Definitions.</li> </ul>	<ul style="list-style-type: none"> <li>Definition for "Abandon" is revised to reflect the return of community cats to the area from which they were trapped</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-1. Definitions.</li> </ul>	<ul style="list-style-type: none"> <li>Definition for "Animal Care Officer" is revised</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-1. Definitions.</li> </ul>	<ul style="list-style-type: none"> <li>Definition for "Custodian" is revised to exclude from the definition citizens engaged in TNR activity</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-1. Definitions.</li> </ul>	<ul style="list-style-type: none"> <li>Definition for "Owner" is revised to exclude from the definition citizens engaged in TNR activity</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-5. Running at large.</li> </ul>	<ul style="list-style-type: none"> <li>Language revised to read: trapped, sterilized, and "returned"</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-6. Nuisance animals.</li> </ul>	<ul style="list-style-type: none"> <li>Language revised to read: trap, sterilize, and "return"</li> </ul>
<ul style="list-style-type: none"> <li>Sec. 5-21. Penalties.</li> </ul>	<ul style="list-style-type: none"> <li>Moved to Sec. 5-22</li> </ul>
	<ul style="list-style-type: none"> <li>Addition of Sec. 5-21. TNR.</li> </ul>

**Agenda Briefing Addendum**

<b>Prepared by:</b>	Sandra Haynes	<b>Title:</b>	Director
<b>Department:</b>	Animal Services	<b>Division:</b>	
<b>Contributor:</b>	Marli Drum	<b>Title:</b>	City of Columbia
<b>Contributor:</b>	Dawn Wilkinson	<b>Title:</b>	The Humane Society
<b>Date Prepared:</b>	April 25, 2024	<b>Meeting Date:</b>	May 7, 2024
<b>Approved for Consideration:</b>	Assistant County Administrator		Aric A Jensen, AICP
<b>Committee/Meeting:</b>	Regular Session		
<b>Agenda Item:</b>	15b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl		

**COUNCIL INQUIRY #1:**

Staff was requested to provide an estimated operational impact of the Community Cat Diversion program.

*Reply:**Estimated Cost for Animal Care Providing Trap Neuter Release (TNR) Services*

<b>Description</b>	<b>Expected Yearly Cost</b>
Salary and Wages (1 full-time trapper)	\$29,500.00
Office Supplies (including laptops)	\$4,000.00
Truck	\$55,000.00
Oil and lubricants	\$6,000.00
Repairs - vehicles	\$2,500.00
Automotive – Non-contract	\$1,250.00
Cell Phones	\$1,400.00
Uniforms	\$1,400.00
Employee Training	\$800.00
Employee Health (vaccines and respirator)	\$1,070.00
Humane Traps (5 traps)	\$600.00
Cat Food	\$700.00
Cat Gloves (1) /Grabbers (2)	\$350.00
Carriers (4)	\$300.00
Spay/neuter surgery (\$125.00 per cat)	\$166,000.00
Vaccines (Rabies and 1-HCPCh)	\$9,500.00
Parasite control (Deworming)	\$2,900.00
Outreach/education	\$500.00
Shelter (for one day)	\$34,000.00
Administrative Costs	\$200.00
<b>Total Expected Costs</b>	<b>\$317,970.00</b>

Due to the varying costs associated with a well-run Community Cat program, it is difficult to provide a precise figure. The above information is based on the number of cats/kittens picked up between May 2017 and May 2018: 855 adult cats and 473 kittens, totaling 1,328 animals. Based on the current Richland County Animal Ordinance, shelter is calculated at the current rate for one day for each cat/kitten and the cost of vaccines and parasite control. The costs of the spay/neuter surgeries vary from clinic to clinic and range from \$100-150 each.

Below is an analysis of the One Stop service request types via the Ombudsman's Office and the number of cats/kittens picked up from May 2, 2017 (the date the last ordinance went into effect) through December 31, 2020.

Type of Request	Number Received	Assigned to Officers
Cat Trap	2,442	1,612
Cat in Trap	1,272	1,234
Community Cat Trap Program*	40	13
<b>Total</b>	<b>3,754</b>	<b>2,859</b>

Total number of cats picked up	1,545
Total number of kittens picked up	1,162
<b>Grand total of cats and kittens picked up</b>	<b>2,707</b>

\*The Community Cat Diversion Program complaint type was created in September 2020. At that time, officers would deliver a cat trap and vouchers to residents. The loaning of cat traps was discontinued due to traps not being returned or being used for purposes other than TNR. Currently, vouchers are mailed to the residents, or they may opt to visit the office and obtain it.

*The following information has been provided from outside organizations:*

- The City of Columbia Animal Services, Marli Drum, provided the following TNR numbers:

Number of Cats through TNR	
July 2017 thru mid-January 2018	292
January 16, 2018 thru December 31, 2019	679

- The following statistics were provided by Dawn Wilkinson of The Humane Society, in their joint efforts with Pawmetto Lifeline for Community Cat/TNR services.

	2021	2022	2023
<b>Community Cat Surgeries</b>	1,024	1,091	1,059
<b>Accepted Vouchers from Animal Mission</b>	770	779	823
<b>Number of Pregnant Females</b>	224	273	251



### Agenda Briefing

Prepared by:	Sandra Haynes	Title:	Director
Department:	Animal Services	Division:	
Date Prepared:	March 5, 2024	Meeting Date:	March 26, 2024
Legal Review	Tish Gonzalez via email	Date:	March 6, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 8, 2024
Finance Review	Stacey Hamm via email	Date:	March 8, 2024
Approved for consideration:		Assistant County Administrator	Aric A Jensen, AICP
Meeting/Committee	Administration & Finance		
Subject	Animal Care Ordinance Revision		

#### RECOMMENDED/REQUESTED ACTION:

Staff recommends that County Council approves the proposed revisions to Chapter 5, Animals and Fowl, of the County Code of Ordinances.

Request for Council Reconsideration: ☐ Yes

#### FIDUCIARY:

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

#### ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The ordinance revision is not anticipated to affect the current level of funding.

*Applicable department/grant key and object codes:* 1100306200

#### OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

#### REGULATORY COMPLIANCE:

S. C. Code of laws Title 47, Animals, Livestock and Poultry

Richland County Code of Ordinances, Chapter 5: Animals and Fowl

#### MOTION OF ORIGIN:

There is no associated motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

For the past year, Animal Care Director Sandra Haynes and Assistant County Administrator Aric Jensen have met with community stakeholders to discuss potential updates to the Richland County Animal Care Ordinance. Periodic updates are necessary to keep the County current with evolving professional practices, technology, and changes in the community.

The proposed revisions include a new subsection to address the tethering of pets. This subsection is being added to clarify and educate citizens and enforcement officers regarding acceptable and safe methods of tethering. The goal is to reduce the number of pets that are injured and/or abused by persons using improper tethering methods.

Other subsections of the ordinance have been reorganized and/or clarified with the express purpose of making the ordinance easier to understand. The end goals are to educate pet owners and the residents, and to make the County's regulations easier to enforce consistently and uniformly.

This code update process included creating a stakeholder committee composed of internal and external stakeholders vested in animal care. Internal stakeholders are County Council, County Administration, Legal Department, Animal Services, Community Planning and Development, Business Service Center, Ombudsman, and Richland County Sheriff's Department. External stakeholders are Pawmetto Lifeline, The Humane Society of South Carolina, City of Columbia, Town of Irmo, Town of Blythewood, Animal Mission, and the Animal Care subcommittee. The stakeholder committee will continue to meet quarterly to discuss and share information.

The proposed amendments will bring the County's animal care ordinance current with industry standards and practices. Should Council choose not to approve the proposed amendments, the County will continue to operate under the existing regulations.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 1: Foster Good Governance
  - Objective 1.5: Collaborate with other governments.
    - Initiative: Establish best practices using peer-to-peer neighbors, like entities and related professional associations to measure achievement of best practices via workshops, fairs, or another constructive events
    - Initiative: Build relationships with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to determine points of parity

#### ATTACHMENTS:

1. Chapter 5 - Animal Care Ordinance Redlined version
2. Chapter 5 - Animal Care Ordinance revised
3. Summary of ordinance revisions

**Richland County  
STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS ~~AND FOWL~~**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* ~~The owner or custodian's failure to provide for its animal the necessities of life and well-being or shall mean~~ to desert, forsake, or ~~intend to~~ give up absolutely ~~an its~~ animal without securing another owner ~~or custodian~~. This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.

*Abuse.* ~~shall mean the~~ The act of any ~~owner or custodian person~~ who deprives ~~any its~~ animal of necessary sustenance or shelter, or ~~of a person who~~ inflicts unnecessary pain or suffering upon any animal, or ~~of a person causing~~ causes these things to be done.

*Animal.* ~~shall mean, in~~ In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* ~~shall mean any A~~ person employed by the county to enforce the animal care program ~~or anyan official with legal enforcement authority thereof~~.

*Animal Care Facility.* ~~shall mean any Any~~ premises designated ~~or selected~~ by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under ~~the~~ authority of this chapter.

*At large.* ~~shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not~~ Not under restraint ~~or confinement~~. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the

county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

Commercial pet breeder. ~~Any~~A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

Community Cat, also called “free-roaming cat,” ~~shall mean a~~A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time, ~~has little or no human contact, is not well-socialized to humans,~~ and has no known owner. Pets ~~and/or~~ house cats which are ~~outside outdoors~~ periodically, ~~and stray cats (lost or abandoned house pets)~~ are specifically excluded from this definition.

Custodian. ~~Any~~A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

Dangerous or vicious animal. ~~shall mean:~~

(a) Dangerous or vicious animal means:

- (1) ~~Any~~An animal, which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, ~~to~~ cause injury to, or ~~to~~ otherwise endanger the safety of human beings, ~~or~~ domestic animals, or livestock; ~~or~~
- (2) ~~Any~~An animal which bites or attacks a human being, ~~or~~ domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner; ~~or~~
- (3) ~~Any~~An animal, ~~which is while~~ not under restraint or confinement, and which commits one or more unprovoked acts, without provocation, and those acts that causes a person to reasonably believe ~~that~~ the animal will bite or attack and cause bodily injury to a human being, ~~or~~ domestic animal, or livestock; or
- (4) ~~Any~~An animal ~~owned~~, kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or ~~an animal~~ which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;

- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

Domestic. ~~shall mean any animal which~~ To shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Feral animal. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

Fowl. Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

Harboring. Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within ~~any~~ premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

Impound. The humane confinement of the animal by an Animal Care Officer at an animal care facility.

Livestock. Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

~~Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.~~

~~Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.~~

Owner. ~~shall mean any~~ AnyA person who:

- (1) Has a property right in ~~an the~~ animal;
- (2) Keeps or harbors ~~an the~~ animal, ~~or who~~ has it in ~~his or her~~its care, or acts as its custodian; or
- (3) Permits ~~an the~~ animal to remain on or about ~~any~~ premises ~~occupied by him or her~~it owns or occupies.

Pet. ~~shall mean a domestic~~ Domestic dog (canis lupus familiaris~~canis familiaris~~) and/or a domestic cat (felis catus~~domestictus~~). When applicable, pet shall also mean ~~any~~an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Provocation. ~~shall mean any~~ AnyAn act done towards an animal that a reasonable person would expect to enrage such an animal to the extent ~~that~~ the animal would be likely to, ~~or did,~~ bite, ~~or~~ attack, and/or cause bodily injury. Provocation~~including~~ includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. ~~Where~~ When an animal is attacked on ~~its owner's the~~ property of its owner or custodian by another



animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include ~~any~~ actions on the part of an individual that pertain to reasonable efforts of self-defense, ~~or defense of others,~~ or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. ~~shall mean any~~ Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to ~~appropriately sized for the pet to stand or lie in a normal manner.~~ The structure must have a roof, three sides, appropriate-sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to ~~anya~~ dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- (1) ~~on~~ On the premises of its owner or ~~keeper-custodian indoors;~~
- (2) On the premises of its owner or custodian outdoors ~~by means of on~~ a leash or other similar restraining device ~~or, within a fenced-in area or other similar restraining device;~~
- (3) ~~, or is on~~ On the premises of its owner or ~~keeper-custodian and while~~ accompanied by ~~the its~~ owner ~~keeper or custodian;~~ or
- (4) ~~an animal that is off~~ Off the premises of its owner or ~~keeper-custodian but is while~~ accompanied by its owner or ~~keeper-custodian~~ and is under the physical control of such owner or ~~keeper-custodian~~ by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

~~Wild or feral animal shall mean any~~ An animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

**Sec. 5-2. License for dogs and cats; ~~Differential county and commercial pet breeder licenses, license fees;~~ rabies vaccination tags.**

For the purpose of this section, pet shall mean domestic dog and/or domestic cat.

(a)

(b) It shall be unlawful for the owner or custodian of any pet to fail to obtain a current county pet license for any pet over four (4) months of age, ~~a current county pet license~~.

(1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets within the unincorporated area of the county at all times.

(2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

(3) It shall be unlawful for the ~~The~~ owner or custodian of any pet over four (4) months of age to fail to vaccinate the pet and obtain ~~must also have~~ a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of ~~inoculation~~ vaccination is shown.

~~(b)(4)~~ Any pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) business calendar days in which to obtain the license.

(c) License fees.

(1) ~~The annual~~ Annual license fees. Annual license fees for fertile and sterilized pets shall be established ~~and approved~~ by the county council. Licenses will expire one (1) year after the date of issue; and owners/custodians must renew the license prior to its expiration ~~will have until the end of the month of original issue to renew the licenses~~.

(2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

a. Any pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;

b. Any owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or

c. Any owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.

~~(c)-(3)~~ Any ~~An~~ owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

~~(d)~~ The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.

### Sec. 5-3. Permit for commercial pet breeding.

~~(a)~~ For the purpose of this section, pet shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to ~~any~~ litter being delivered.

~~(e)~~ (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit~~license from the county Animal Services Department. The requirements for such~~To obtain a license are as follows~~commercial pet breeder permit:~~

~~(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.~~

~~(1) Applicants~~ Before applying for a permit, the applicant must first have obtained:

a. A County Business License issued by the Richland County Business Service Center; and

~~(2)b.~~ County pet licenses and rabies vaccinations for all pets that have reached the age of over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2, currently licensed with a county pet license, before applying for the commercial pet breeder license.

~~(2)~~ The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.

~~(3)~~ The permit applicant must pass an inspection. The Animal Care Department~~Animal Services Department~~, through its Animal Care Officers, shall conduct an inspection of the ~~property~~premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met: for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.

~~(4)(3)~~ During an inspection, an Animal Care Officer will be looking for the following:

(1)a. The enclosure or other area(s) where the pets are ~~being kept~~ should be constructed in such a manner that ~~any~~ pets housed there will be adequately and comfortably kept in any season of the year;

(2)b. ~~The location of all pet enclosures should be in such a position so that they can~~ The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized. ~~Any kennels or yards that are connected or are used to confine the pets must be~~ and kept clean and free from accumulations of feces, filth, mud, and debris;

(3)c. Every pet on the premises ~~should have~~ has constant access to a clean and fresh water supply. ~~All pets must also have~~ and an adequate amount of ~~appropriate~~ food appropriate to maintain each pet's normal condition of health;

d. The premises ~~must be~~ where the pets are kept is set up in such a manner as to ~~not allow prevent~~ pets ~~to from~~ straying beyond their enclosed confines or other areas and. ~~The setup must also prevent~~ the public and stray animals from obtaining entrance ~~into thereto~~ or gaining making contact with ~~any the~~ pets on the premises;

(4)e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.

f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued ~~Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County and~~ failure to maintain these requirements may result in a revocation of the permit.

~~(5)~~ (c) Restrictions:

(5)(1) A ~~license permit~~ will not be issued to an applicant who has been previously found guilty of violating ~~that has pled no contest, or has been found to have violated~~ any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.

~~(6) License application should be made prior to any litter being delivered.~~

(7)(2) A permit will only be valid if there also exists a valid business license and only for the applicant and ~~A commercial pet breeder license is not transferrable to another person or location~~ listed on the application. The permit is non-transferable.

- ~~(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.~~
- ~~(9) Any violations or alleged violation found under the provisions of this Chapter shall be grounds for the suspension/revocation of the commercial pet breeder license/permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal, if deemed necessary by the Animal Care Department. Reinstatement of such license shall be determined on a case-by-case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.~~
- ~~(3) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in the commercial pet breeder's custody.~~
- ~~(d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.~~
- ~~(e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.~~

### **~~Sec. 5-3. Exemptions from differential licensing fees.~~**

- ~~(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:~~
- ~~— Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;~~

- ~~(2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance events within the past twelve months;~~
- ~~(2) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- ~~(a) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.~~
- ~~(a) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.~~

**Sec. 5-4. Animal care, generally.**

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
  - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
  - (2) Proper protection from the weather;
  - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
  - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
  - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
    - a. Dogs.
      - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
      - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
      - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as

cedar shavings or straw, must be provided to insulate against the cold and dampness.

4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.

(b) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.

(c) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:

(1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or

(2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.

(d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.

(e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the



destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.

(f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

(g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.

(h) It shall be unlawful for a person to dye or color artificially ~~any~~ animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.

(i) It shall be unlawful for ~~any~~ owner or custodian to abandon an animal in the unincorporated area of the county.

#### **~~Community Cat Diversion Program.~~**

~~(a) — Purpose. It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.~~

~~(a) — Scope. This section shall apply only to healthy free roaming and Community Cats. Well-socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.~~

~~(a) — Procedures:~~

~~(0) — Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:~~

~~—Assessed by a veterinarian to determine the condition of health;~~

~~—Spayed or neutered, as needed;~~

~~—Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;~~

~~—Ear tipped for identification.~~

~~(0) — All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.~~

~~(0) — Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community. However, a Community Cat will be relocated if a request from a property owner~~



~~within the community requests that the cat be relocated to a location other than where it was trapped.~~

~~The county shall have no liability for cats in the Program.~~

~~(1) — Community Cats are exempt from licensing and related fees.~~

#### **Sec. 5-5. Running at large—~~restraint~~.**

- (a) ~~It is unlawful for an animal to be at large.~~ All animals must be kept under restraint or confinement ~~and anyan.~~ Any animal not so restrained or confined will be deemed unlawfully running at large ~~in the unincorporated area of the county.~~ ~~Provided, however, this~~ This subsection shall not apply to domestic cats that have been spayed or neutered/sterilized or community cats trapped, sterilized, and released those cats in the Community Cat Diversion Program.
- (b) Dogs ~~that are~~ participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered "at large."
- (c) ~~Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.~~ In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.
- ~~(e)~~(d) AnyAn animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

#### **Sec. 5-6. Nuisance animals.**

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.

(b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of ~~any~~ animal are hereby declared to be a nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
  - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;
  - (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
  - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
  - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
  - (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
  - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
  - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
  - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals
- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.~~Removal of excrement.~~

~~The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.~~

**Sec. 5-7. Dangerous or vicious animal.**

(a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.

(b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:

(1) Dogs:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to ~~any~~ animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.

d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

(c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

### **Injured or diseased animals.**

~~Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal.~~

~~Any domestic animal received by the animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.~~

### **Sec. 5-8. Tethering.**

(a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:

(1) The pet is older than six (6) months;

(2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;

(3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;

(4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;

(5) The pet has access to fresh water and shelter, as defined in this chapter;

(6) The pet is not sick or injured;

(7) Every female confined by a tether and unattended is sterilized; and

(8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:

a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or

—If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements. **Nuisance animals.**

- ~~( ) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:~~
- ~~(0) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;~~
  - ~~(0) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.;~~
  - ~~(0) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);~~
  - ~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~
  - ~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~
  - ~~(0) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety,, density, or location of the animals on the property.;~~
  - ~~(0) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;~~
  - ~~(0) Maintaining an animal that is diseased and dangerous to the public health;~~
  - ~~(0) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.~~
- ~~( ) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.~~

~~(m) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.~~

~~—Sec. 5-9. Animal care, generally.~~

~~(o) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

~~(p) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.~~

~~(q) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.~~

~~(r)b. \_\_\_\_\_ It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.~~

**Sec. 5-109. Sale of animals.**

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, anyan animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival. ~~Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection.~~

(b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away anya pet under eight (8) weeks of age, except as-to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.

~~(c)(d)~~ This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

**Sec. 5-110. Care of animals during transport.**

During the transportation, of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

**Sec. 5-11. Injured or diseased animals.**

(a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.

(b) AnyA domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

#### **Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

#### **Sec. 5-13. Prohibited, exceptions.**

(a) Except as provided in subsection (b), it shall be unlawful for ~~any~~ person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:

- (1) Non-domestic members of the cat family (Felidae);
- (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
- (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
- (4) Raccoons (Procyonidae);
- (5) Bear (Ursidae);
- (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
- (7) Bats (Chiroptera);
- (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodilia);
- (9) Scorpions (Scorpiones);
- (10) Constricting snakes of the following species: Reticulated Python (Python reticulatus), Burmese Python (Python bivittatus), Indian rock Python (Python molurus), African Rock Python (Python Sebae), and Anaconda (Eunectes murinus - all types);
- (11) Venomous reptiles;
- (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
- (13) Non-domesticated members of the order placental mammals (Carnivora);



- (14) Other wildlife not listed;
  - (15) Animals of mixed domestication and feral lineage; or
  - (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.
- (b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:
- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
  - (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
  - (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
  - (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-~~12~~14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto any privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereupon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such the animal and may take immediately seize custody of the animal when, in his or her the officer's sole opinion, it requires removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian. If an Animal Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard.
- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) The After the animal is seized pursuant to this section, the Animal Care Officer shall thereafter petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.



(d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

~~(a) , which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.~~

~~If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

~~(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.~~

#### **Sec. 5-~~13~~15. Impounding, surrender.**

(a) AnyAn animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of

~~the in violation of the~~ provisions of this chapter may be caught or seized and impounded by an Animal Care Officer~~county authorities~~. If ~~an the~~ animal cannot be caught or seized in a safe, ~~and~~ efficient manner, the Animal Care Officer ~~animal care personnel~~ may tranquilize the animal by use of a tranquilizer gun.

- ~~—The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days, except as provided in subsection (I) below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.~~
- ~~(a) When a person arrested is, at the time of the an arrest, in charge of an animal, the county Animal Care Department~~Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- ~~(a) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.~~
- ~~(a) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code 47-3-510 (Supp. 1999).~~
- ~~—The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code 47-3-540 (Supp. 1999).~~
- ~~—Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.~~
- ~~(d) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal~~

Care Department, with assurance from the owner that proper care and custody will be maintained.

- (d) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

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- If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

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- If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the

~~owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

(b)

(c) Nothing in this subsection ~~(f)~~ shall be construed as to prohibit the immediate euthanizing euthanization of a critically injured or ill an animal for humane purposes at any time after impoundment impoundment of the animal and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.-

~~(e)~~ An owner or custodian may surrender its Any animal surrendered to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be adopted placed for adoption or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

~~(f)~~(d) It shall be unlawful for ~~any~~a person to furnish false information on the animal surrender form.

#### **Sec. 5-1416. Civil hearing petition and hearing procedure.**

(a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:

(1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or

(2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.

(b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.

(c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized

(d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and

(1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or

(2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.

(e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

(f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

#### **Sec. 5-17. Redemption.**

(a) The owner or ~~keeper-custodian~~ of ~~any~~ animal ~~that has been impounded under pursuant to the provisions of this chapter, and which has not been determined by the Animal Care~~

~~Department to be dangerous or vicious, shall have the right to redeem such pet animal at any time within the legal detention period outlined in Section 5-13 prior to the applicable redemption deadline upon payment of all fees, established and required by the Animal Care facility. No pet will be released without proof of inoculation vaccination, and without an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for any pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.-~~

~~(b) No fertile pet shall be redeemed unless one of the exceptions in Section 5-3(a) has been met. The requirements that a pet Impounded animals must be spayed or neutered before being redeemed prior to redemption, unless the owner or custodian of the animal can provide:~~

- ~~(1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;~~
- ~~(2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or~~
- ~~(3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.~~

~~(c) Positively identifiable animals:~~

- ~~(1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.~~
- ~~(2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.~~
- ~~(3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.~~



(d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.

(e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.

(b)(f) \_\_\_\_\_ shall not be waived pursuant to the exceptions in Section 5-3 (a) if If the animal has been impounded more than once for a violations of this chapter. In such instances, the pet animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

—The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

#### **Sec. 5-1518. Adoption.**

(a) AnyAn animal impounded under the any provisions of this chapter, which is the property of the county Animal Services Department, may, at the end of the legal detention period, be adopted, provided the new owner will agree to comply with the provisions contained herein and pays all applicable fees.

(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(e)(b) Those individuals adopting puppies or kittens too young to be neutered, or spayed, or receive rabies inoculations vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later time date to have these procedures performed accomplished. In the event the The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

#### **Sec. 5-16. Prohibited, exceptions.**

(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

(0) Non-domestic member of the family felidae;

(0) Wolf-dog hybrid containing any percentage of wolf;

(0) Badger, wolverine, weasel, skunk and mink;

(0) Raccoon;

(0) Bear;

- ~~(0) Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;~~
- ~~(0) Bat;~~
- ~~(0) Alligator, crocodile and caiman;~~
- ~~(0) Scorpion;~~
- ~~(0) Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murlnus;~~
- ~~(0) Venomous reptile;~~
- ~~(0) Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;~~
- ~~(0) Any lizard over two feet which is a members of the family varanidae;~~
- ~~(0) Any non-domesticated member of the order Carnivora;~~
- ~~(0) Any wild or feral animal; or~~
- ~~(0) Any animal of mixed domestication and feral lineage.~~
- ~~(a) It shall be lawful for any person to own, keep, harbor, act as custodian of any make not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).~~
- ~~(a) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.~~
- ~~(a) The prohibitions contained in subsections (a) and (b) above, shall not apply in the following circumstances:~~
  - ~~(0) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study;~~



~~(1) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;~~

~~— The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;~~

~~(2) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.~~

**Sec. 5-~~17~~19. Interference with animal care officers.**

It shall be unlawful for ~~any~~ any person to interfere with, hinder, or molest an Animal Care Officer in the performance of ~~his or her~~ their duty or seek to release ~~any~~ any ~~pet~~ animal in the custody of an Animal Care Officer without such officer's consent.

**Sec. 5-~~18~~20. Complainant's identification ~~to remain confidential~~.**

AnyA person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of ~~his or her~~ their identity.

**Sec. 5-~~19~~21. Penalties.**

(a) AnyA person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The AnyAn owner or person having charge or custody custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a such violation of this chapter must may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Jesica Mackey, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:

Second Reading:

Public Hearing:

(b) Third Reading:

**Richland County  
STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* The owner or custodian's failure to provide for its animal the necessities of life and well-being or to desert, forsake, or give up absolutely its animal without securing another owner or custodian. This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.

*Abuse.* The act of an owner or custodian who deprives its animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon an animal, or of a person causing these things to be done.

*Animal.* In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* A person employed by the county to enforce the animal care program or an official with legal enforcement authority thereof.

*Animal Care Facility.* A premise designated or selected by the county for the purpose of impound, care, adoption, or euthanasia of animals held under the authority of this chapter.

*At large.* Not under restraint or confinement.

*Commercial pet breeder.* A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

*Community Cat*, also called “free-roaming cat.” A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time and has no known owner. Pets and/or house cats which are outdoors periodically are specifically excluded from this definition.

*Custodian*. A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

*Dangerous or vicious animal*.

(a) Dangerous or vicious animal means:

- (1) An animal which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, cause injury to, or otherwise endanger the safety of human beings, domestic animals, or livestock;
- (2) An animal which bites or attacks a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner;
- (3) An animal, while not under restraint or confinement, which commits one or more acts, without provocation, that causes a person to reasonably believe the animal will bite or attack and cause bodily injury to a human being, domestic animal, or livestock; or
- (4) An animal kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

*Domestic*. To share the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Feral animal*. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

*Fowl.* Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

*Harboring.* Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within a premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

*Impound.* The humane confinement of the animal by an Animal Care Officer at an animal care facility.

*Livestock.* Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

*Owner.* A person who:

- (1) Has a property right in the animal;
- (2) Keeps or harbors the animal, has it in its care, or acts as its custodian; or
- (3) Permits the animal to remain on or about premises it owns or occupies.

*Pet.* Domestic dog (*canis lupus familiaris*) and/or domestic cat (*felis catus*). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

*Provocation.* An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent the animal would be likely to, or did, bite, attack, and/or cause bodily injury. Provocation includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. When an animal is attacked on the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include actions on the part of an individual that pertain to reasonable efforts of self-defense, defense of others, or defense of another animal.

*Seizure.* The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

*Shelter.* Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

*Tether.* To fasten, chain, tie, secure, or restrain an animal by a collar or harness to a dog house, tree, fence, or other stationary object or structure.

*Under restraint or confinement.* Under restraint or confinement shall mean an animal that is:

- (1) On the premises of its owner or custodian indoors;
- (2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;

- (3) On the premises of its owner or custodian while accompanied by its owner or custodian; or
- (4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

*Unincorporated area of the county.* The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

**Sec. 5-2. License for dogs and cats; rabies vaccination tags.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and/or domestic cat.
- (b) It shall be unlawful for the owner or custodian of a pet to fail to obtain a current county pet license for a pet over four (4) months of age.
  - (1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words “pet license.” Such tags must be worn by all pets within the unincorporated area of the county at all times.
  - (2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.
  - (3) It shall be unlawful for the owner or custodian of a pet over four (4) months of age to fail to vaccinate the pet and obtain a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of vaccination is shown.
  - (4) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) calendar days in which to obtain the license.
- (c) License fees.
  - (1) Annual license fees. Annual license fees for fertile and sterilized pets shall be established by the county council. Licenses will expire one (1) year after the date of issue and owners/custodians must renew the license prior to its expiration.
  - (2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

- a. A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;
  - b. An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - c. An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (3) An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

**Sec. 5-3. Permit for commercial pet breeding.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to a litter being delivered.
- (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit from the county Animal Services Department. To obtain a commercial pet breeder permit:
  - (1) Before applying for a permit, the applicant must first have obtained:
    - a. A County Business License issued by the Richland County Business Service Center; and
    - b. County pet licenses and rabies vaccinations for all pets over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2.
  - (2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.
  - (3) The permit applicant must pass an inspection. The Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met:

- a. The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;
- b. The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;
- c. Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health;
- d. The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise;
- e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.
- f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued and failure to maintain these requirements may result in a revocation of the permit.

(c) Restrictions:

- (1) A permit will not be issued to an applicant who has been previously found guilty of violating any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- (2) A permit will only be valid if there also exists a valid business license and only for the applicant and location listed on the application. The permit is non-transferable.
- (3) Any violation or alleged violation of this chapter shall be grounds for the revocation of the permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal.



- (d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.
- (e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

**Sec. 5-4. Animal care, generally.**

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
  - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
  - (2) Proper protection from the weather;
  - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
  - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
  - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
    - a. Dogs.
      - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
      - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
      - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.
      - 4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
  2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
  3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.
- (b) It shall be unlawful for a person to leave an untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.
- (c) It shall be unlawful for a person to leave an untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:
- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
  - (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.
- (d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.
- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.
- (h) It shall be unlawful for a person to dye or color artificially an animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for an owner or custodian to abandon an animal in the unincorporated area of the county.

**Sec. 5-5. Running at large.**

- (a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and an animal not so restrained or confined will be deemed unlawfully running at large. This section shall not apply to domestic cats that have been sterilized or community cats trapped, sterilized, and released.
- (b) Dogs participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered at large.
- (c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.
- (d) An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

**Sec. 5-6. Nuisance animals.**

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.
- (b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of an animal are hereby declared to be a nuisance and are, therefore, unlawful:
  - (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
  - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;

- (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
  - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
  - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
  - (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
  - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
  - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
  - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals
- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.

**Sec. 5-7. Dangerous or vicious animal.**

- (a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.
- (b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:
  - (1) Dogs:
    - a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.

- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to an animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
  - b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
  - c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.
  - d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.
- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

**Sec. 5-8. Tethering.**

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:
  - (1) The pet is older than six (6) months;

- (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
- (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
- (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
- (5) The pet has access to fresh water and shelter, as defined in this chapter;
- (6) The pet is not sick or injured;
- (7) Every female confined by a tether and unattended is sterilized; and
- (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:
  - a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or
  - b. If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements.

#### **Sec. 5-9. Sale of animals.**

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, an animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away a pet under eight (8) weeks of age, except to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

#### **Sec. 5-10. Care of animals during transport.**

During the transportation of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

#### **Sec. 5-11. Injured or diseased animals.**

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) A domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

#### **Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

#### **Sec. 5-13. Prohibited, exceptions.**

- (a) Except as provided in subsection (b), it shall be unlawful for a person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:
  - (1) Non-domestic members of the cat family (Felidae);
  - (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
  - (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
  - (4) Raccoons (Procyonidae);
  - (5) Bear (Ursidae);
  - (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
  - (7) Bats (Chiroptera);
  - (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);

- (9) Scorpions (Scorpiones);
  - (10) Constricting snakes of the following species: Reticulated Python (*Python reticulatus*), Burmese Python (*Python bivittatus*), Indian rock Python (*Python molurus*), African Rock Python (*Python Sebae*), and Anaconda (*Eunectes murinus* - all types);
  - (11) Venomous reptiles;
  - (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
  - (13) Non-domesticated members of the order placental mammals (Carnivora);
  - (14) Other wildlife not listed;
  - (15) Animals of mixed domestication and feral lineage; or
  - (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.
- (b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:
- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
  - (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
  - (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
  - (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereon. Once upon the premises, the officer may examine the animal and may immediately seize the animal when, in the officer's sole opinion, removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian.



- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) After the animal is seized pursuant to this section, the Animal Care Officer shall petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

**Sec. 5-15. Impounding, surrender.**

- (a) An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter may be caught or seized and impounded by an Animal Care Officer. If the animal cannot be caught or seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (b) When a person is, at the time of an arrest, in charge of an animal, the county Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- (c) Nothing in this subsection shall be construed as to prohibit the immediate euthanizing of an animal after impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.
- (d) An owner or custodian may surrender its animal to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be placed for adoption or euthanized. It shall be unlawful for a person to furnish false information on the animal surrender form.

## **Sec. 5-16. Civil hearing petition and hearing procedure.**

- (a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:
  - (1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or
  - (2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.
- (b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.
- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
  - (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
  - (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

(f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

#### **Sec. 5-17. Redemption.**

- (a) The owner or custodian of an animal impounded pursuant to the provisions of this chapter shall have the right to redeem such animal prior to the applicable redemption deadline upon payment of all fees, proof of vaccination, and an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for a pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.
- (b) Impounded animals must be spayed or neutered prior to redemption, unless the owner or custodian of the animal can provide:
  - (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
  - (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (c) Positively identifiable animals:
  - (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
  - (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that

the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.

- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.
- (d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.
- (e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.
- (f) If the animal has been impounded more than once for a violation of this chapter, the animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

#### **Sec. 5-18. Adoption.**

- (a) An animal impounded under any provision of this chapter, which is the property of the county Animal Services Department, may be adopted, provided the new owner agrees to comply with the provisions contained herein and pays all applicable fees.
- (b) Individuals adopting puppies or kittens too young to be neutered, spayed, or receive rabies vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later date to have these procedures performed. The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date.

#### **Sec. 5-19. Interference with animal care officers.**

It shall be unlawful for a person to interfere with, hinder, or molest an Animal Care Officer in the performance of their duty or seek to release an animal in the custody of an Animal Care Officer without such officer's consent.

#### **Sec. 5-20. Complainant's identification.**

A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of their identity.

**Sec. 5-21. Penalties.**

- (a) A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.
- (b) An owner or custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person convicted of such violation may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Jesica Mackey, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Tid Gonzales 02/29/2024  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:  
Second Reading:

Public Hearing:  
Third Reading:

DRAFT

Current Ordinance (2017)	Proposed Changes
<ul style="list-style-type: none"> <li>• Sec. 5-1 Definitions</li> </ul>	<ul style="list-style-type: none"> <li>• Additional definitions added</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-2 Differential County License</li> </ul>	<ul style="list-style-type: none"> <li>• Pet Licenses and Commercial Breeder Permits have been separated. <ul style="list-style-type: none"> <li>○ Sec. 5-2 License for dogs and cats; rabies vaccination tags</li> <li>○ Sec. 5-3 Permit for commercial pet breeding</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-4 Community Cat Diversion Program</li> </ul>	<ul style="list-style-type: none"> <li>• Removed</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-5 Running at large - restraint</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-5 Running at large <ul style="list-style-type: none"> <li>○ Addition of (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-6 Removal of excrement</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-12</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-7 Injured or diseased animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec 5-11 <ul style="list-style-type: none"> <li>○ Separated into (a) and (b)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-8 Nuisance animals</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-6 Nuisance animals <ul style="list-style-type: none"> <li>○ Separated (a) to (a) and (b)</li> <li>○ Addition of (b)(2) – cat provision</li> <li>○ Removal of (6) – Barking</li> <li>○ Move (c) to (b)(9)</li> <li>○ Addition of (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-9 Animal care, generally</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-4 Animal care, generally <ul style="list-style-type: none"> <li>○ Section has been greatly expanded</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-10 Sale of animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-9</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-11 Care of animals during transport</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-10</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-12 Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-14 <ul style="list-style-type: none"> <li>○ Changes to (a)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-13 Impounding; surrender</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-15 <ul style="list-style-type: none"> <li>○ Condensed</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec 5-14 Redemption</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-17 <ul style="list-style-type: none"> <li>○ Expanded</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-15. Adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-18 <ul style="list-style-type: none"> <li>○ Removed (b)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-16 Prohibited; exception</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-13 <ul style="list-style-type: none"> <li>○ Removed section (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-17 Interference with animal care officers</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-19</li> </ul>

<ul style="list-style-type: none"> <li>• Sec 5-18 Complainant's identification to remain confidential</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-20</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-19 Penalties</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-21</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-7 Dangerous or vicious animal</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-8 Tethering</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-16 Civil hearing petition and hearing procedures</li> </ul>



## Richland County Council Request for Action

**Subject:**

Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Commodore to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters

**Notes:**

First Reading: June 18, 2024

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_

**AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU  
OF AD VALOREM TAXES AND INCENTIVE AGREEMENT BY AND  
BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND PROJECT  
COMMODORE TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF  
TAXES; AUTHORIZING CERTAIN INFRASTRUCTURE CREDITS;  
AND OTHER RELATED MATTERS.**

WHEREAS, Richland County, South Carolina ("County"), acting by and through its County Council ("County Council") is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended ("FILOT Act"), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina ("South Carolina" or "State") or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax ("FILOT Payments"), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, "MCIP Act"), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County's discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Fairfield County more particularly known as the I-77 Corridor Regional Industrial Park ("Park");

WHEREAS, pursuant to the FILOT and MCIP Acts, the County is authorized to provide credits ("Infrastructure Credits") against FILOT Payments derived from economic development property to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility ("Infrastructure");

WHEREAS, Project Commodore, ("Sponsor"), desires to relocate its headquarters to and expand its manufacturing facility in the County ("Project") consisting of taxable investment in real and personal property of not less than \$3,700,000 and the creation of thirty (30) new, full-time jobs; and

WHEREAS, at the request of the Sponsor and as an inducement to locate the Project in the County, the County desires to enter into a Fee-in-Lieu of *Ad Valorem* Taxes and Incentive Agreement with the Sponsor, as sponsor, the substantially final form of which is attached as Exhibit A ("Fee Agreement"), pursuant to which the County will provide certain incentives to the Sponsor with respect to the Project, including (i) providing for FILOT Payments, to be calculated as set forth in the Fee Agreement, with respect to the portion of the Project which constitutes economic development property; (ii) locating the Project in the Park; and (iii) providing Infrastructure Credits, as described in the Fee Agreement, to assist in paying the costs of certain Infrastructure.

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

**Section 1. Statutory Findings.** Based on information supplied to the County by the Sponsor, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created, and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power;

(c) The purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs.

**Section 2. *Approval of Incentives; Authorization to Execute and Deliver Fee Agreement.*** The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Fee Agreement, with respect to the Project are hereby approved. The form, terms and provisions of the Fee Agreement that is before this meeting are approved and all of the Fee Agreement’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Fee Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Fee Agreement and to deliver the Fee Agreement to the Sponsor.

**Section 3. *Inclusion within the Park.*** The expansion of the Park boundaries to include the Project is authorized and approved. The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the agreement governing the Park (“Park Agreement”), the expansion of the Park’s boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and an approving companion ordinance by the Fairfield County Council.

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

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

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

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

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

(SEAL)  
ATTEST:

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Clerk of Council, Richland County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:        June 18, 2024  
Second Reading:  
Public Hearing:  
Third Reading:

**EXHIBIT A**  
**FORM OF FEE AGREEMENT**

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**FEE-IN-LIEU OF *AD VALOREM* TAXES AND INCENTIVE AGREEMENT**

**BETWEEN**

**PROJECT COMMODORE**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**EFFECTIVE AS OF [JULY 16, 2024]**

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## TABLE OF CONTENTS

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	Page
Recitals.....	1
ARTICLE I DEFINITIONS	
Section 1.1 Terms. ....	1
ARTICLE II REPRESENTATIONS AND WARRANTIES	
Section 2.1 Representations, Warranties, and Agreements of the County.....	4
Section 2.2 Representations, Warranties, and Agreements of the Sponsor .....	5
ARTICLE III THE PROJECT	
Section 3.1 The Project .....	5
Section 3.2 Leased Property.....	6
Section 3.3 Filings and Reports .....	6
ARTICLE IV FILOT PAYMENTS	
Section 4.1 FILOT Payments.....	6
Section 4.2 FILOT Payments on Replacement Property .....	7
Section 4.3 Removal of Components of the Project .....	7
Section 4.4 Damage or Destruction of Economic Development Property.....	7
Section 4.5 Condemnation .....	8
Section 4.6 Calculating FILOT Payments on Diminution in Value.....	8
Section 4.7 Payment of <i>Ad Valorem</i> Taxes.....	8
Section 4.8 Place of FILOT Payments .....	8
ARTICLE V ADDITIONAL INCENTIVES	
Section 5.1 Infrastructure Credits .....	9
ARTICLE VI CLAW BACK	
Section 6.1 Claw Back .....	9

ARTICLE VII  
DEFAULT

Section 7.1	Events of Default .....	9
Section 7.2	Remedies on Default .....	10
Section 7.3	Reimbursement of Legal Fees and Other Expenses.....	10
Section 7.4	Remedies Not Exclusive .....	10

ARTICLE VIII  
PARTICULAR COVENANTS AND AGREEMENTS

Section 8.1	Right to Inspect .....	10
Section 8.2	Confidentiality .....	10
Section 8.3	Indemnification Covenants .....	11
Section 8.4	No Liability of County's Personnel .....	11
Section 8.5	Limitation of Liability .....	12
Section 8.6	Assignment.....	12
Section 8.7	No Double Payment; Future Changes in Legislation.....	12
Section 8.8	Administration Expenses .....	12

ARTICLE IX  
SPONSOR AFFILIATES

Section 9.1	Sponsor Affiliates .....	12
Section 9.2	Primary Responsibility.....	13

ARTICLE X  
MISCELLANEOUS

Section 10.1	Notices .....	13
Section 10.2	Provision of Agreement for Sole Benefit of County and Sponsor .....	13
Section 10.3	Counterparts .....	14
Section 10.4	Governing Law .....	14
Section 10.5	Headings.....	14
Section 10.6	Amendments .....	14
Section 10.7	Agreement to Sign Other Documents .....	14
Section 10.8	Interpretation; Invalidity; Change in Laws .....	14
Section 10.9	Force Majeure .....	14
Section 10.10	Termination; Termination by Sponsor .....	15
Section 10.11	Entire Agreement .....	15
Section 10.12	Waiver .....	15
Section 10.13	Business Day.....	15
Section 10.14	Agreement's Construction .....	15

Exhibit A – Description of Property  
Exhibit B – Form of Joinder Agreement  
Exhibit C – Accountability Resolution  
Exhibit D – Description of Infrastructure Credit  
Exhibit E – Description of Claw Back

**SUMMARY OF CONTENTS OF**



## FEE AGREEMENT

The parties have agreed to waive the requirement to recapitulate the contents of this Fee Agreement pursuant to Section 12-44-55 of the Code (as defined herein). However, the parties have agreed to include a summary of the key provisions of this Fee Agreement for the convenience of the parties. This summary is included for convenience only and is not to be construed as a part of the terms and conditions of this Fee Agreement.

PROVISION	BRIEF DESCRIPTION	SECTION REFERENCE
<b>Sponsor Name</b>	Project Commodore	Section 1.1
<b>Project Location</b>	Richland County	Exhibit A
<b>Tax Map No.</b>	To be disclosed	Exhibit A
<b>FILOT</b>		
• Phase Exemption Period	30 years	Section 1.1
• Contract Minimum Investment Requirement	\$3,700,000	Section 1.1
• Contract Minimum Jobs Requirement	30	Section 1.1
• Investment Period	5 years	Section 1.1
• Assessment Ratio	6%	Section 4.1
• Millage Rate	.5868	Section 4.1
• Fixed or Five-Year Adjustable Millage	Fixed	Section 4.1
• Claw Back Information	Pro rata repayment of Infrastructure Credit	Section 6.1
<b>Multicounty Park</b>	Fairfield County	Section 1.1
<b>Infrastructure Credit</b>		
• Brief Description	35% infrastructure credit	Exhibit D
• Credit Term	10 years	Exhibit D
• Claw Back Information	Pro rata repayment	Exhibit D
<b>Other Information</b>		

## FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT

THIS FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT (“**Fee Agreement**”) is entered into, effective, as of [July 16], 2024, between Richland County, South Carolina (“**County**”), a body politic and corporate and a political subdivision of the State of South Carolina (“**State**”), acting through the Richland County Council (“**County Council**”) as the governing body of the County, and Project Commodore, a limited liability company organized and existing under the laws of the State of South Carolina (“**Sponsor**”).

### WITNESSETH:

(a) Title 12, Chapter 44, (“**Act**”) of the Code of Laws of South Carolina, 1976, as amended (“**Code**”), authorizes the County to induce manufacturing and commercial enterprises to locate in the State or to encourage manufacturing and commercial enterprises currently located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“**FILOT**”) with respect to Economic Development Property, as defined below;

(b) Sections 4-1-175 and 12-44-70 of the Code authorize the County to provide credits (“**Infrastructure Credit**”) against payments in lieu of taxes for the purpose of defraying of the cost of designing, acquiring, constructing, improving, or expanding (i) the infrastructure serving the County or a project and (ii) for improved and unimproved real estate, and personal property, including machinery and equipment, used in the operation of a manufacturing facility or commercial enterprise (collectively, “**Infrastructure**”);

(c) The Sponsor has committed to relocate its headquarters to and expand its manufacturing facility (“**Facility**”) in the County, consisting of taxable investment in real and personal property of not less than \$3,700,000 and the creation of thirty (30) new, full-time jobs;

(d) By an ordinance enacted on [July 16], 2024, County Council authorized the County to enter into this Fee Agreement with the Sponsor to provide for a FILOT and the other incentives as more particularly described in this Fee Agreement to induce the Sponsor to relocate and expand its Facility in the County.

NOW, THEREFORE, AND IN CONSIDERATION of the respective representations and agreements hereinafter contained, the parties agree as follows:

### ARTICLE I DEFINITIONS

**Section 1.1. Terms.** The defined terms used in this Fee Agreement have the meaning given below, unless the context clearly requires otherwise.

“**Act**” means Title 12, Chapter 44 of the Code, and all future acts successor or supplemental thereto or amendatory of this Fee Agreement.

“**Act Minimum Investment Requirement**” means an investment of at least \$2,500,000 in the Project within five years of the Commencement Date.

“**Administration Expenses**” means the reasonable expenses incurred by the County in the negotiation, approval and implementation of the terms and provisions of this Fee Agreement, including reasonable attorney’s and consultant’s fees. Administration Expenses does not include any costs, expenses, including attorney’s fees, incurred by the County (i) in defending challenges to the FILOT Payments,

Infrastructure Credits or other incentives provided by this Fee Agreement brought by third parties or the Sponsor or its affiliates and related entities, or (ii) in connection with matters arising at the request of the Sponsor outside of the immediate scope of this Fee Agreement, including amendments to the terms of this Fee Agreement.

“**Code**” means the Code of Laws of South Carolina, 1976, as amended.

“**Commencement Date**” means the last day of the property tax year during which the initial Economic Development Property is placed in service. The Commencement Date shall not be later than the last day of the property tax year which is three years from the year in which the County and the Sponsor enter into this Fee Agreement. For purposes of this Fee Agreement, the Commencement Date is expected to be December 31, 2025.

“**Contract Minimum Investment Requirement**” means a taxable investment in real and personal property at the Project of not less than \$3,700,000.

“**Contract Minimum Jobs Requirement**” means not less than thirty (30) full-time, jobs created by the Sponsor in the County in connection with the Project.

“**County**” means Richland County, South Carolina, a body politic and corporate and a political subdivision of the State, its successors and assigns, acting by and through the County Council as the governing body of the County.

“**County Council**” means the Richland County Council, the governing body of the County.

“**Credit Term**” means the years during the Fee Term in which the Infrastructure Credit is applicable, as described in Exhibit D.

“**Department**” means the South Carolina Department of Revenue.

“**Diminution in Value**” means a reduction in the fair market value of Economic Development Property, as determined in Section 4.1(a)(i) of this Fee Agreement, which may be caused by (i) the removal or disposal of components of the Project pursuant to Section 4.3 of this Fee Agreement; (ii) a casualty as described in Section 4.4 of this Fee Agreement; or (iii) a condemnation as described in Section 4.5 of this Fee Agreement.

“**Economic Development Property**” means those items of real and tangible personal property of the Project placed in service not later than the end of the Investment Period that (i) satisfy the conditions of classification as economic development property under the Act, and (ii) are identified by the Sponsor in its annual filing of a PT-300S or comparable form with the Department (as such filing may be amended from time to time).

“**Equipment**” means all of the machinery, equipment, furniture, office equipment, and fixtures, together with any and all additions, accessions, replacements, and substitutions.

“**Event of Default**” means any event of default specified in Section 7.1 of this Fee Agreement.

“**Fee Agreement**” means this Fee-In-Lieu Of *Ad Valorem* Taxes and Incentive Agreement.

“**Fee Term**” means the period from the effective date of this Fee Agreement until the Final Termination Date.

**“FILOT Payments”** means the amount paid or to be paid in lieu of *ad valorem* property taxes as provided in Section 4.1 of this Fee Agreement.

**“Final Phase”** means the Economic Development Property placed in service during the last year of the Investment Period.

**“Final Termination Date”** means the date on which the last FILOT Payment with respect to the Final Phase is made, or such earlier date as the Fee Agreement is terminated in accordance with the terms of this Fee Agreement. Assuming the Phase Termination Date for the Final Phase is December 31, 2059, the Final Termination Date is expected to be January 15, 2061, which is the due date of the last FILOT Payment with respect to the Final Phase.

**“Improvements”** means all improvements to the Real Property, including buildings, building additions, roads, sewer lines, and infrastructure, together with all additions, fixtures, accessions, replacements, and substitutions.

**“Infrastructure”** means (i) the infrastructure serving the County or the Project, (ii) improved and unimproved real estate, and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise, or (iii) such other items as may be described in or permitted under Section 4-29-68 of the Code.

**“Infrastructure Credit”** means the credit provided to the Sponsor pursuant to Section 12-44-70 of the Act or Section 4-1-175 of the MCIP Act and Section 5.1 of this Fee Agreement, with respect to the Infrastructure. Infrastructure Credits are to be used for the payment of Infrastructure constituting real property, improvements and infrastructure before any use for the payment of Infrastructure constituting personal property, notwithstanding any presumptions to the contrary in the MCIP Act or otherwise.

**“Investment Period”** means the period beginning with the first day of any purchase or acquisition of Economic Development Property and ending five years after the Commencement Date, as may be extended pursuant to Section 12-44-30(13) of the Act. For purposes of this Fee Agreement, the Investment Period, unless so extended, is expected to end on December 31, 2030.

**“MCIP Act”** means Article VIII, Section 13(D) of the Constitution of the State of South Carolina, and Sections 4-1-170, 4-1-172, 4-1-175, and 4-29-68 of the Code.

**“Multicounty Park”** means the multicounty industrial or business park governed by the Amended and Restated Master Agreement Governing the I-77 Corridor Regional Industrial Park, dated as of September 1, 2018, between the County and Fairfield County, South Carolina, as may be supplemented or amended.

**“Net FILOT Payment”** means the FILOT Payment net of the Infrastructure Credit.

**“Phase”** means the Economic Development Property placed in service during a particular year of the Investment Period.

**“Phase Exemption Period”** means, with respect to each Phase, the period beginning with the property tax year the Phase is placed in service during the Investment Period and ending on the Phase Termination Date.

**“Phase Termination Date”** means, with respect to each Phase, the last day of the property tax year which is the 29<sup>th</sup> year following the first property tax year in which the Phase is placed in service.

**“Project”** means all the Equipment, Improvements, and Real Property in the County that the Sponsor determines to be necessary, suitable, or useful by the Sponsor in connection with its investment in the County.

**“Real Property”** means real property that the Sponsor uses or will use in the County for the purposes that Section 2.2(b) describes, and initially consists of the land identified on Exhibit A of this Fee Agreement.

**“Removed Components”** means Economic Development Property which the Sponsor, in its sole discretion, (a) determines to be inadequate, obsolete, worn-out, uneconomic, damaged, unsuitable, undesirable, or unnecessary pursuant to Section 4.3 of this Fee Agreement or otherwise; or (b) elects to be treated as removed pursuant to Section 4.4(c) or Section 4.5(b)(iii) of this Fee Agreement.

**“Replacement Property”** means any property which is placed in service as a replacement for any Removed Component regardless of whether the Replacement Property serves the same functions as the Removed Component it is replacing and regardless of whether more than one piece of Replacement Property replaces a single Removed Component.

**“Sponsor”** means Project Commodore and any surviving, resulting, or transferee entity in any merger, consolidation, or transfer of assets; or any other person or entity which may succeed to the rights and duties of the Sponsor under this Fee Agreement.

**“Sponsor Affiliate”** means an entity that participates in the investment or job creation at the Project and, following receipt of the County’s approval pursuant to Section 9.1 of this Fee Agreement, joins this Fee Agreement by delivering a Joinder Agreement, the form of which is attached as Exhibit B to this Fee Agreement.

**“State”** means the State of South Carolina.

Any reference to any agreement or document in this Article I or otherwise in this Fee Agreement shall include any and all amendments, supplements, addenda, and modifications to such agreement or document.

The term “investment” or “invest” as used in this Fee Agreement includes not only investments made by the Sponsor, but also to the fullest extent permitted by law, those investments made by or for the benefit of the Sponsor in connection with the Project through federal, state, or local grants, to the extent such investments are or, but for the terms of this Fee Agreement, would be subject to *ad valorem* taxes to be paid by the Sponsor.

## **ARTICLE II REPRESENTATIONS AND WARRANTIES**

**Section 2.1. *Representations and Warranties of the County.*** The County represents and warrants as follows:

(a) The County is a body politic and corporate and a political subdivision of the State and acts through the County Council as its governing body. The Act authorizes and empowers the County to enter into the transactions that this Fee Agreement contemplates and to carry out its obligations under this Fee Agreement. The County has duly authorized the execution and delivery of this Fee Agreement and all other documents, certificates or other agreements contemplated in this Fee Agreement and has obtained all consents from third parties and taken all actions necessary or that the law requires to fulfill its obligations under this Fee Agreement.

(b) Based on representations by the Sponsor, County Council evaluated the Project based on all relevant criteria including the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment resulting from the Project, and the anticipated costs and benefits to the County and following the evaluation, the County determined that (i) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or any incorporated municipality and to no charge against the County's general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project are greater than the costs.

(c) The County identified the Project, as a "project" on April 16, 2024 and adopted an Inducement Resolution, as defined in the Act on June 18, 2024.

(d) The County is not in default of any of its obligations (contractual or otherwise) as a result of entering into and performing its obligations under this Fee Agreement.

(e) The County has located or will take all reasonable action to locate the Project in the Multicounty Park.

**Section 2.2. *Representations and Warranties of the Sponsor.*** The Sponsor represents and warrants as follows:

(a) The Sponsor is in good standing under the laws of the state of its organization, is duly authorized to transact business in the State (or will obtain such authority prior to commencing business in the State), has power to enter into this Fee Agreement, and has duly authorized the execution and delivery of this Fee Agreement.

(b) The Sponsor intends to operate the Project as a headquarters and manufacturing facility and for such other purposes that the Act permits as the Sponsor may deem appropriate.

(c) The Sponsor's execution and delivery of this Fee Agreement and its compliance with the provisions of this Fee Agreement do not result in a default under any agreement or instrument to which the Sponsor is now a party or by which it is bound.

(d) The Sponsor will use commercially reasonable efforts to achieve the Contract Minimum Investment Requirement and the Contract Minimum Jobs Requirement.

(e) The execution and delivery of this Fee Agreement by the County and the availability of the FILOT and other incentives provided by this Fee Agreement has been instrumental in inducing the Sponsor to locate the Project in the County.

(f) The Sponsor has retained legal counsel to confirm, or has had a reasonable opportunity to consult legal counsel to confirm, its eligibility for the FILOT and other incentives granted by this Fee Agreement and has not relied on the County, its officials, employees or legal representatives with respect to any question of eligibility or applicability of the FILOT and other incentives granted by this Fee Agreement.

### **ARTICLE III THE PROJECT**

**Section 3.1. *The Project.*** The Sponsor intends and expects to (i) construct or acquire the Project and (ii) meet the Contract Minimum Investment Requirement and the Contract Minimum Jobs Requirement within the Investment Period. The Sponsor anticipates that the first Phase of the Project will be placed in

service during the calendar year ending December 31, 2025. Notwithstanding anything contained in this Fee Agreement to the contrary, the Sponsor is not obligated to complete the acquisition of the Project. However, if the Contract Minimum Investment Requirement is not met, the benefits provided to the Sponsor, or Sponsor Affiliate, if any, pursuant to this Fee Agreement may be reduced, modified or terminated as provided in this Fee Agreement.

**Section 3.2 Leased Property.** To the extent that State law allows or is revised or construed to permit leased assets including a building, or personal property to be installed in a building, to constitute Economic Development Property, then any property leased by the Sponsor is, at the election of the Sponsor, deemed to be Economic Development Property for purposes of this Fee Agreement, subject, at all times, to the requirements of State law and this Fee Agreement with respect to property comprising Economic Development Property.

### **Section 3.3. Filings and Reports.**

(a) On or before January 31 of each year during the term of this Fee Agreement, commencing in January 31, 2026, the Sponsor shall deliver to the Economic Development Director of the County with respect to the Sponsor and all Sponsor Affiliates, if any, the information required by the terms of the County's Resolution dated November 7, 2023, which is attached hereto as Exhibit C, as may be amended by subsequent resolution.

(b) The Sponsor shall file a copy of this Fee Agreement and a completed PT-443 with the Economic Development Director and the Department and the Auditor, Treasurer and Assessor of the County and partner county to the Multicounty Park.

(c) On request by the County Administrator or the Economic Development Director, the Sponsor shall remit to the Economic Development Director records accounting for the acquisition, financing, construction, and operation of the Project which records (i) permit ready identification of all Economic Development Property; (ii) confirm the dates that the Economic Development Property or Phase was placed in service; and (iii) include copies of all filings made in accordance with this Section.

## **ARTICLE IV FILOT PAYMENTS**

### **Section 4.1. FILOT Payments.**

(a) The FILOT Payment due with respect to each Phase through the Phase Termination Date is calculated as follows:

- (i) The fair market value of the Phase calculated as set forth in the Act (for the Real Property portion of the Phase, the County and the Sponsor have elected to use the fair market value established in the first year of the Phase Exemption Period), multiplied by
- (ii) An assessment ratio of six percent (6%), multiplied by
- (iii) A fixed millage rate equal to .5868, which is the cumulative millage rate levied by or on behalf of all the taxing entities within which the Project is located as of June 30, 2023.

The calculation of the FILOT Payment must allow all applicable property tax exemptions except those excluded pursuant to Section 12-44-50(A)(2) of the Act. The Sponsor acknowledges that (i) the

calculation of the annual FILOT Payment is a function of the Department and is wholly dependent on the Sponsor timely submitting the correct annual property tax returns to the Department, (ii) the County has no responsibility for the submission of returns or the calculation of the annual FILOT Payment, and (iii) failure by the Sponsor to submit the correct annual property tax return could lead to a loss of all or a portion of the FILOT and other incentives provided by this Fee Agreement.

(b) If a final order of a court of competent jurisdiction from which no further appeal is allowable declares the FILOT Payments invalid or unenforceable, in whole or in part, for any reason, the parties shall negotiate the reformation of the calculation of the FILOT Payments to most closely afford the Sponsor with the intended benefits of this Fee Agreement. If such order has the effect of subjecting the Economic Development Property to *ad valorem* taxation, this Fee Agreement shall terminate, and the Sponsor shall owe the County regular *ad valorem* taxes from the date of termination, in accordance with Section 4.7.

**Section 4.2. FILOT Payments on Replacement Property.** If the Sponsor elects to place Replacement Property in service, then, pursuant and subject to the provisions of Section 12-44-60 of the Act, the Sponsor shall make the following payments to the County with respect to the Replacement Property for the remainder of the Phase Exemption Period applicable to the Removed Component of the Replacement Property:

(a) FILOT Payments, calculated in accordance with Section 4.1 of this Fee Agreement, on the Replacement Property to the extent of the original income tax basis of the Removed Component the Replacement Property is deemed to replace.

(b) Regular *ad valorem* tax payments to the extent the income tax basis of the Replacement Property exceeds the original income tax basis of the Removed Component the Replacement Property is deemed to replace.

**Section 4.3. Removal of Components of the Project.** Subject to the other terms and provisions of this Fee Agreement, the Sponsor is entitled to remove and dispose of components of the Project in its sole discretion. Components of the Project are deemed removed when scrapped, sold or otherwise removed from the Project. If the components removed from the Project are Economic Development Property, then the Economic Development Property is a Removed Component, no longer subject to this Fee Agreement and is subject to *ad valorem* property taxes to the extent the Removed Component remains in the State and is otherwise subject to *ad valorem* property taxes.

**Section 4.4. Damage or Destruction of Economic Development Property.**

(a) *Election to Terminate.* If Economic Development Property is damaged by fire, explosion, or any other casualty, then the Sponsor may terminate this Fee Agreement. For the property tax year corresponding to the year in which the damage or casualty occurs, the Sponsor is obligated to make FILOT Payments with respect to the damaged Economic Development Property only to the extent property subject to *ad valorem* taxes would have been subject to *ad valorem* taxes under the same circumstances for the period in question.

(b) *Election to Restore and Replace.* If Economic Development Property is damaged by fire, explosion, or any other casualty, and the Sponsor does not elect to terminate this Fee Agreement, then the Sponsor may restore and replace the Economic Development Property. All restorations and replacements made pursuant to this subsection (b) are deemed, to the fullest extent permitted by law and this Fee Agreement, to be Replacement Property.

(c) *Election to Remove.* If Economic Development Property is damaged by fire, explosion, or any other casualty, and the Sponsor elects not to terminate this Fee Agreement pursuant to subsection (a) and



elects not to restore or replace pursuant to subsection (b), then the damaged portions of the Economic Development Property are deemed Removed Components.

#### **Section 4.5. Condemnation.**

(a) *Complete Taking.* If at any time during the Fee Term title to or temporary use of the Economic Development Property is vested in a public or quasi-public authority by virtue of the exercise of a taking by condemnation, inverse condemnation, or the right of eminent domain; by voluntary transfer under threat of such taking; or by a taking of title to a portion of the Economic Development Property which renders continued use or occupancy of the Economic Development Property commercially unfeasible in the judgment of the Sponsor, the Sponsor shall have the option to terminate this Fee Agreement by sending written notice to the County within a reasonable period of time following such vesting.

(b) *Partial Taking.* In the event of a partial taking of the Economic Development Property or a transfer in lieu, the Sponsor may elect: (i) to terminate this Fee Agreement; (ii) to restore and replace the Economic Development Property, with such restorations and replacements deemed, to the fullest extent permitted by law and this Fee Agreement, to be Replacement Property; or (iii) to treat the portions of the Economic Development Property so taken as Removed Components.

(c) In the year in which the taking occurs, the Sponsor is obligated to make FILOT Payments with respect to the Economic Development Property so taken only to the extent property subject to *ad valorem* taxes would have been subject to taxes under the same circumstances for the period in question.

**Section 4.6. Calculating FILOT Payments on Diminution in Value.** If there is a Diminution in Value, the FILOT Payments due with respect to the Economic Development Property or Phase so diminished shall be calculated by substituting the diminished value of the Economic Development Property or Phase for the original fair market value in Section 4.1(a)(i) of this Fee Agreement.

**Section 4.7. Payment of Ad Valorem Taxes.** If Economic Development Property becomes subject to *ad valorem* taxes as imposed by law pursuant to the terms of this Fee Agreement or the Act, then the calculation of the *ad valorem* taxes due with respect to the Economic Development Property in a particular property tax year shall: (i) include the property tax reductions that would have applied to the Economic Development Property if it were not Economic Development Property; and (ii) include a credit for FILOT Payments the Sponsor has made with respect to the Economic Development Property.

**Section 4.8. Place of FILOT Payments.** All FILOT Payments shall be made directly to the County in accordance with applicable law.

## ARTICLE V ADDITIONAL INCENTIVES

**Section 5.1. *Infrastructure Credits.*** To assist in paying for costs of Infrastructure, the Sponsor is entitled to claim an Infrastructure Credit to reduce certain FILOT Payments due and owing from the Sponsor to the County under this Fee Agreement. The term, amount and calculation of the Infrastructure Credit is described in Exhibit D. In no event may the Sponsor's aggregate Infrastructure Credit claimed pursuant to this Section exceed the aggregate expenditures by the Sponsor on Infrastructure.

For each property tax year in which the Infrastructure Credit is applicable ("***Credit Term***"), the County shall prepare and issue the annual bills with respect to the Project showing the Net FILOT Payment, calculated in accordance with Exhibit D. Following receipt of the bill, the Sponsor shall timely remit the Net FILOT Payment to the County in accordance with applicable law.

## ARTICLE VI CLAW BACK

**Section 6.1. *Claw Back.*** If the Sponsor fails to perform its obligations under this Fee Agreement as described in Exhibit E, then the Sponsor is subject to the claw backs as described in Exhibit E. Any amount that may be due from the Sponsor to the County as calculated in accordance with or described in Exhibit E is due within 30 days of receipt of a written statement from the County. If not timely paid, the amount due from the Sponsor to the County is subject to the minimum amount of interest that the law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation arising under this Section and Exhibit E survives termination of this Fee Agreement.

## ARTICLE VII DEFAULT

**Section 7.1. *Events of Default.*** The following are "Events of Default" under this Fee Agreement:

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

(b) Failure to timely pay any amount, except FILOT Payments, due under this Fee Agreement;

(c) A Cessation of Operations. For purposes of this Fee Agreement, a "***Cessation of Operations***" means a publicly announced closure of the Facility, a layoff of a majority of the employees working at the Facility, or a substantial reduction in production that continues for a period of twelve (12) months;

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

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

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

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

### **Section 7.2. Remedies on Default.**

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

(i) terminate this Fee Agreement; or

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

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

(i) bring an action for specific enforcement;

(ii) terminate this Fee Agreement; or

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

**Section 7.3. Reimbursement of Legal Fees and Other Expenses.** On the occurrence of an Event of Default, if a party is required to employ attorneys or incur other reasonable expenses for the collection of payments due under this Fee Agreement or for the enforcement of performance or observance of any obligation or agreement, the prevailing party is entitled to seek reimbursement of the reasonable fees of such attorneys and such other reasonable expenses so incurred.

**Section 7.4. Remedies Not Exclusive.** No remedy described in this Fee Agreement is intended to be exclusive of any other remedy or remedies, and each and every such remedy is cumulative and in addition to every other remedy given under this Fee Agreement or existing at law or in equity or by statute.

## **ARTICLE VIII PARTICULAR RIGHTS AND COVENANTS**

**Section 8.1. Right to Inspect.** The County and its authorized agents, at any reasonable time on prior written notice (which may be given by email), may enter and examine and inspect the Project for the purposes of permitting the County to carry out its duties and obligations in its sovereign capacity (such as, without limitation, for such routine health and safety purposes as would be applied to any other manufacturing or commercial facility in the County).

**Section 8.2. Confidentiality.** The County acknowledges that the Sponsor may utilize confidential and proprietary processes and materials, services, equipment, trade secrets, and techniques ("**Confidential Information**") and that disclosure of the Confidential Information could result in substantial economic harm

to the Sponsor. The Sponsor may clearly label any Confidential Information delivered to the County pursuant to this Fee Agreement as “**Confidential Information.**” Except as required by law, the County, or any employee, agent, or contractor of the County, shall not disclose or otherwise divulge any labeled Confidential Information to any other person, firm, governmental body or agency. The Sponsor acknowledges that the County is subject to the South Carolina Freedom of Information Act, and, as a result, must disclose certain documents and information on request, absent an exemption. If the County is required to disclose any Confidential Information to a third party, the County will use its best efforts to provide the Sponsor with as much advance notice as is reasonably possible of such disclosure requirement prior to making such disclosure, and to cooperate reasonably with any attempts by the Sponsor to obtain judicial or other relief from such disclosure requirement.

### **Section 8.3. Indemnification Covenants.**

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

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

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

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

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

**Section 8.4. No Liability of County Personnel.** All covenants, stipulations, promises, agreements and obligations of the County contained in this Fee Agreement are binding on members of the County Council or any elected official, officer, agent, servant or employee of the County only in his or her official capacity and not in his or her individual capacity, and no recourse for the payment of any moneys under

this Fee Agreement may be had against any member of County Council or any elected or appointed official, officer, agent, servant or employee of the County and no recourse for the payment of any moneys or performance of any of the covenants and agreements under this Fee Agreement or for any claims based on this Fee Agreement may be had against any member of County Council or any elected or appointed official, officer, agent, servant or employee of the County except solely in their official capacity.

**Section 8.5. *Limitation of Liability.*** The County is not liable to the Sponsor for any costs, expenses, losses, damages, claims or actions in connection with this Fee Agreement, except from amounts received by the County from the Sponsor under this Fee Agreement. Notwithstanding anything in this Fee Agreement to the contrary, any financial obligation the County may incur under this Fee Agreement is deemed not to constitute a pecuniary liability or a debt or general obligation of the County.

**Section 8.6. *Assignment.*** The Sponsor may assign this Fee Agreement in whole or in part with the prior written consent of the County or a subsequent written ratification by the County, which may be done by resolution, and which consent or ratification the County will not unreasonably withhold, condition or delay. The Sponsor agrees to notify the County and the Department of the identity of the proposed transferee within 60 days after the transfer. In case of a transfer, the transferee assumes the transferor's basis in the Economic Development Property for purposes of calculating the FILOT Payments. For the avoidance of doubt, the transfer of an equity interest in a Sponsor shall not be considered an assignment requiring prior written consent of the County or subsequent ratification by the County. Further, as provided in the Act, prior written consent of the County or subsequent ratification by the County is not required for financing-related transfers.

**Section 8.7. *No Double Payment; Future Changes in Legislation.*** Notwithstanding anything contained in this Fee Agreement to the contrary, and except as expressly required by law, the Sponsor is not required to make a FILOT Payment in addition to a regular *ad valorem* property tax payment in the same year with respect to the same piece of Economic Development Property. The Sponsor is not required to make a FILOT Payment on Economic Development Property in cases where, absent this Fee Agreement, *ad valorem* property taxes would otherwise not be due on such property.

**Section 8.8. *Administration Expenses.*** The Sponsor will reimburse, or cause reimbursement to, the County for Administration Expenses in the amount of \$7,500. The Sponsor will reimburse the County for its Administration Expenses on receipt of a written request from the County or at the County's direction, which request shall include a statement of the amount and nature of the Administration Expense. The Sponsor shall pay the Administration Expense as set forth in the written request no later than 60 days following receipt of the written request from the County. The County does not impose a charge in the nature of impact fees or recurring fees in connection with the incentives authorized by this Fee Agreement. The payment by the Sponsor of the County's Administration Expenses shall not be construed as prohibiting the County from engaging, at its discretion, the counsel of the County's choice.

## **ARTICLE IX SPONSOR AFFILIATES**

**Section 9.1. *Sponsor Affiliates.*** The Sponsor may designate Sponsor Affiliates from time to time, including at the time of execution of this Fee Agreement, pursuant to and subject to the provisions of Section 12-44-130 of the Act. To designate a Sponsor Affiliate, the Sponsor must deliver written notice to the Economic Development Director identifying the Sponsor Affiliate and requesting the County's approval of the Sponsor Affiliate. Except with respect to a Sponsor Affiliate designated at the time of execution of this Fee Agreement, which may be approved in the County Council ordinance authorizing the execution and delivery of this Fee Agreement, approval of the Sponsor Affiliate may be given by the County Administrator delivering written notice to the Sponsor and Sponsor Affiliate following receipt by the County Administrator of a recommendation from the Economic Development Committee of County

Council to allow the Sponsor Affiliate to join in the investment at the Project. The Sponsor Affiliate's joining in the investment at the Project will be effective on delivery of a Joinder Agreement, the form of which is attached as Exhibit B, executed by the Sponsor Affiliate to the County.

**Section 9.2. Primary Responsibility.** Notwithstanding the addition of a Sponsor Affiliate, the Sponsor acknowledges that it has the primary responsibility for the duties and obligations of the Sponsor and any Sponsor Affiliate under this Fee Agreement, including the payment of FILOT Payments or any other amount due to or for the benefit of the County under this Fee Agreement. For purposes of this Fee Agreement, "primary responsibility" means that if the Sponsor Affiliate fails to make any FILOT Payment or remit any other amount due under this Fee Agreement, the Sponsor shall make such FILOT Payments or remit such other amounts on behalf of the Sponsor Affiliate.

## **ARTICLE X MISCELLANEOUS**

**Section 10.1. Notices.** Any notice, election, demand, request, or other communication to be provided under this Fee Agreement is effective when delivered to the party named below or when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms of this Fee Agreement require receipt rather than sending of any notice, in which case such provision shall control:

**IF TO THE SPONSOR:**

Project Commodore  
Columbia, South Carolina

**WITH A COPY TO (does not constitute notice):**

Moore & Van Allen PLLC  
Attn: Manning Unger  
78 Wentworth Street  
Charleston, South Carolina 29401

**IF TO THE COUNTY:**

Richland County, South Carolina  
Attn: Richland County Economic Development Director  
2020 Hampton Street  
Columbia, South Carolina 29204

**WITH A COPY TO (does not constitute notice):**

Parker Poe Adams & Bernstein LLP  
Attn: Ray E. Jones  
1221 Main Street, Suite 1100 (29201)  
Post Office Box 1509  
Columbia, South Carolina 29202-1509

**Section 10.2. Provisions of Agreement for Sole Benefit of County and Sponsor.** Except as otherwise specifically provided in this Fee Agreement, nothing in this Fee Agreement expressed or implied confers on any person or entity other than the County and the Sponsor any right, remedy, or claim under or

by reason of this Fee Agreement, this Fee Agreement being intended to be for the sole and exclusive benefit of the County and the Sponsor.

**Section 10.3. Counterparts.** This Fee Agreement may be executed in any number of counterparts, and all of the counterparts together constitute one and the same instrument.

**Section 10.4. Governing Law.** South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Fee Agreement to the laws of another jurisdiction, governs this Fee Agreement and all documents executed in connection with this Fee Agreement.

**Section 10.5. Headings.** The headings of the articles and sections of this Fee Agreement are inserted for convenience only and do not constitute a part of this Fee Agreement.

**Section 10.6. Amendments.** This Fee Agreement may be amended only by written agreement of the parties to this Fee Agreement.

**Section 10.7. Agreement to Sign Other Documents.** From time to time, and at the expense of the Sponsor, to the extent any expense is incurred, the County agrees to execute and deliver to the Sponsor such additional instruments as the Sponsor may reasonably request and as are authorized by law and reasonably within the purposes and scope of the Act and this Fee Agreement to effectuate the purposes of this Fee Agreement.

**Section 10.8. Interpretation; Invalidity; Change in Laws.**

(a) If the inclusion of property as Economic Development Property or any other issue is unclear under this Fee Agreement, then the parties intend that the interpretation of this Fee Agreement be done in a manner that provides for the broadest inclusion of property under the terms of this Fee Agreement and the maximum incentive permissible under the Act, to the extent not inconsistent with any of the explicit terms of this Fee Agreement.

(b) If any provision of this Fee Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions of this Fee Agreement are unimpaired, and the parties shall reform such illegal, invalid, or unenforceable provision to effectuate most closely the legal, valid, and enforceable intent of this Fee Agreement so as to afford the Sponsor with the maximum benefits to be derived under this Fee Agreement, it being the intention of the County to offer the Sponsor the strongest inducement possible, within the provisions of the Act, to locate the Project in the County.

(c) The County agrees that in case the FILOT incentive described in this Fee Agreement is found to be invalid and the Sponsor does not realize the economic benefit it is intended to receive from the County under this Fee Agreement as an inducement to locate in the County, the County agrees to negotiate with the Sponsor to provide a special source revenue or Infrastructure Credit to the Sponsor (in addition to the Infrastructure Credit explicitly provided for above) to the maximum extent permitted by law, to allow the Sponsor to recoup all or a portion of the loss of the economic benefit resulting from such invalidity.

**Section 10.9. Force Majeure.** The Sponsor is not responsible for any delays or non-performance caused in whole or in part, directly or indirectly, by strikes, accidents, freight embargoes, fires, floods, inability to obtain materials, conditions arising from governmental orders or regulations, war or national emergency, acts of God, and any other cause, similar or dissimilar, beyond the Sponsor's reasonable control.

**Section 10.10. Termination; Termination by Sponsor.**

(a) Unless first terminated under any other provision of this Fee Agreement, this Fee Agreement terminates on the Final Termination Date.

(b) The Sponsor is authorized to terminate this Fee Agreement at any time with respect to all or part of the Project on providing the County with 30 days' notice.

(c) Any monetary obligations due and owing at the time of termination and any provisions which are intended to survive termination, including specifically the obligations arising under Section 8.3 of this Fee Agreement, survive such termination.

(d) In the year following termination, all Economic Development Property is subject to *ad valorem* taxation or such other taxation or payment in lieu of taxation that would apply absent this Fee Agreement. The Sponsor's obligation to make FILOT Payments under this Fee Agreement terminates to the extent of and in the year following the year the Sponsor terminates this Fee Agreement pursuant to this Section.

**Section 10.11. Entire Agreement.** This Fee Agreement expresses the entire understanding and all agreements of the parties, and neither party is bound by any agreement or any representation to the other party which is not expressly set forth in this Fee Agreement or in certificates delivered in connection with the execution and delivery of this Fee Agreement.

**Section 10.12. Waiver.** Either party may waive compliance by the other party with any term or condition of this Fee Agreement only in a writing signed by the waiving party.

**Section 10.13. Business Day.** If any action, payment, or notice is, by the terms of this Fee Agreement, required to be taken, made, or given on any Saturday, Sunday, or legal holiday in the jurisdiction in which the party obligated to act is situated, such action, payment, or notice may be taken, made, or given on the following business day with the same effect as if taken, made or given as required under this Fee Agreement, and no interest will accrue in the interim.

**Section 10.14. Agreement's Construction.** Each party and its counsel have reviewed this Fee Agreement and any rule of construction to the effect that ambiguities are to be resolved against a drafting party does not apply in the interpretation of this Fee Agreement or any amendments or exhibits to this Fee Agreement.

*[Signature pages follow]*



**IN WITNESS WHEREOF**, the County, acting by and through the County Council, has caused this Fee Agreement to be executed in its name and on its behalf by the Chair of County Council and to be attested by the Clerk of the County Council; and the Sponsor has caused this Fee Agreement to be executed by its duly authorized officer, all as of the day and year first above written.

**RICHLAND COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
County Council Chair  
Richland County, South Carolina

**ATTEST:**

By: \_\_\_\_\_  
Clerk to County Council  
Richland County, South Carolina

**RICHLAND COUNTY ATTORNEY'S OFFICE**

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

*[Signature Page 1 to Fee in Lieu of Ad Valorem Taxes and Incentive Agreement]*

**PROJECT COMMODORE**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

*[Signature Page 2 to Fee in Lieu of Ad Valorem Taxes and Incentive Agreement]*

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

**EXHIBIT B (see Section 9.1)**  
**FORM OF JOINDER AGREEMENT**

Reference is hereby made to the Fee-in-Lieu of *Ad Valorem* Taxes Agreement, effective [July 16], 2024 (“Fee Agreement”), between Richland County, South Carolina (“County”) and Project Commodore (“Sponsor”).

**1. Joinder to Fee Agreement.**

[\_\_\_\_\_], a [STATE] [corporation]/[limited liability company]/[limited partnership] authorized to conduct business in the State of South Carolina, hereby (a) joins as a party to, and agrees to be bound by and subject to all of the terms and conditions of, the Fee Agreement as if it were a Sponsor [except the following: \_\_\_\_\_]; (b) shall receive the benefits as provided under the Fee Agreement with respect to the Economic Development Property placed in service by the Sponsor Affiliate as if it were a Sponsor [except the following \_\_\_\_\_]; (c) acknowledges and agrees that (i) according to the Fee Agreement, the undersigned has been designated as a Sponsor Affiliate by the Sponsor for purposes of the Project; and (ii) the undersigned qualifies or will qualify as a Sponsor Affiliate under the Fee Agreement and Section 12-44-30(20) and Section 12-44-130 of the Act.

**2. Capitalized Terms.**

Each capitalized term used, but not defined, in this Joinder Agreement has the meaning of that term set forth in the Fee Agreement.

**3. Representations of the Sponsor Affiliate.**

The Sponsor Affiliate represents and warrants to the County as follows:

(a) The Sponsor Affiliate is in good standing under the laws of the state of its organization, is duly authorized to transact business in the State (or will obtain such authority prior to commencing business in the State), has power to enter into this Joinder Agreement, and has duly authorized the execution and delivery of this Joinder Agreement.

(b) The Sponsor Affiliate’s execution and delivery of this Joinder Agreement, and its compliance with the provisions of this Joinder Agreement, do not result in a default, not waived or cured, under any agreement or instrument to which the Sponsor Affiliate is now a party or by which it is bound.

(c) The execution and delivery of this Joinder Agreement and the availability of the FILOT and other incentives provided by this Joinder Agreement has been instrumental in inducing the Sponsor Affiliate to join with the Sponsor in the Project in the County.

**4. Governing Law.**

This Joinder Agreement is governed by and construed according to the laws, without regard to principles of choice of law, of the State of South Carolina.

**5. Notice.**

Notices under Section 10.1 of the Fee Agreement shall be sent to:

[\_\_\_\_\_]

IN WITNESS WHEREOF, the undersigned has executed this Joinder Agreement to be effective as of the date set forth below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Entity  
By:\_\_\_\_\_  
Its:\_\_\_\_\_

IN WITNESS WHEREOF, the County acknowledges it has consented to the addition of the above-named entity as a Sponsor Affiliate under the Fee Agreement effective as of the date set forth above.

**RICHLAND COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
By:\_\_\_\_\_  
Its:\_\_\_\_\_

**EXHIBIT C (see Section 3.3)**  
**RICHLAND COUNTY RESOLUTION REQUIRING CERTAIN ACCOUNTABILITY PRACTICES CONCERNING**  
**ECONOMIC DEVELOPMENT PROJECTS IN THE COUNTY**

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF RICHLAND             )

**A RESOLUTION**

**REQUIRING CERTAIN ACCOUNTABILITY PRACTICES CONCERNING  
ECONOMIC DEVELOPMENT PROJECTS IN RICHLAND COUNTY**

WHEREAS, Richland County Council adopted a resolution dated as of December 12, 2017 (“Prior Resolution”), which requires companies receiving economic development incentives from Richland County, South Carolina (“County”) to submit annual reports to the Richland County Economic Development Office; and

WHEREAS, the County desires to reaffirm its desire to have companies submit such annual reports and to update certain information regarding the submission of the annual reports.

NOW, THEREFORE, BE IT RESOLVED by Richland County Council as follows:

**Section 1.** The County affirms that each company awarded an incentive by the County in exchange for the location or expansion of a facility or facilities within the County shall submit an annual report to the Richland County Economic Development Office by no later January 31 of each year throughout the term of the incentives.

**Section 2.** The Richland County Economic Development Office is authorized to create (and from time to time, if necessary, amend or recreate) and make available the form of the annual report; however, such form shall require, at a minimum, the following information, but may request such other information as the County may deem necessary or prudent:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the project;
- c. Net jobs created to date as a result of the project;
- d. Age, race, gender, and county of residence of each employee at the facility or facilities in the County; and
- e. Average wage of the jobs created as a result of the project.

**Section 3.** A copy of the then-current form of the annual report may be obtained from the Richland County Economic Development Office. The annual report shall likewise be submitted to the following address (or at such other address or in such other format as may be communicated by the Richland County Economic Development Office) by the required date.

Richland County Economic Development Office  
Attention: Existing Industry Manager  
1201 Main Street, Suite 1110  
Columbia, SC 29201


**Section 4.** Subject to Section 5 below, this Resolution amends and restates the Prior Resolution in its entirety and sets forth the County’s requirements with respect to the annual reports to be submitted by each company awarded an incentive by the County as described in Section 1.

**Section 5.** The substance of this Resolution shall be incorporated into any agreement between the County and a company with respect to the incentives granted by the County to such company with an effective date on or after January 1, 2024 (“Effective Date”). For any agreements dated before the Effective Date, the Prior Resolution shall be incorporated into the agreement between the County and a company with respect to the incentives granted by the County to such company.

**Section 6.** In the event that any company shall fail to submit an annual report, or any portion thereof, such company may be required to return all incentives, or a dollar amount equal thereof, to the County. Such incentives, or the dollar amount equal thereto, shall be paid to the County within 60 days after the date upon which the information was originally due.


AND IT IS SO RESOLVED this 7<sup>th</sup> day of November 2023.

RICHLAND COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
Chair, Richland County Council

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Clerk to County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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



**EXHIBIT D (see Section 5.1)**  
**DESCRIPTION OF INFRASTRUCTURE CREDIT**

The County shall provide a 35% Infrastructure Credit against the FILOT Payments due and owing from the Sponsor to the County with respect to the Project as provided in this Fee Agreement.

The Sponsor is eligible to receive the Infrastructure Credit against each of the Sponsor's FILOT Payments due with respect to the Project for a period of ten (10) consecutive years, beginning with the first such FILOT Payment due with respect to the Project.

**EXHIBIT E (see Section 6.1)**  
**DESCRIPTION OF CLAW BACK**

**Repayment Amount = Total Infrastructure Credits Received x Claw Back Percentage**

**Claw Back Percentage = 100% - Overall Achievement Percentage**

**Overall Achievement Percentage = (Investment Achievement Percentage + Jobs Achievement Percentage) / 2**

**Investment Achievement Percentage = Actual Investment Achieved / Contract Minimum Investment Requirement** *(may not exceed 100%)*

**Jobs Achievement Percentage = Actual New, Full-Time Jobs Created / Contract Minimum Jobs Requirement** *(may not exceed 100%)*

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

For example only, if the County granted \$100,000 in Infrastructure Credits, and \$15,000,000 had been invested at the Project and 31 jobs had been created by the end of the Investment Period, the Repayment Amount would be calculated as follows:

Investment Achievement Percentage = \$15,000,000 / \$16,000,000 = 93.75%

Jobs Achievement Percentage = 31 / 30 = 100%

Overall Achievement Percentage = (93.75% + 100%) / 2 = 96.875%

Claw Back Percentage = 100% - 96.875% = 3.125%

Repayment Amount = \$100,000 x 3.125% = \$3,125.00

The Sponsor shall pay any amounts described in or calculated pursuant to this Exhibit E within 30 days of receipt of a written statement from the County. If not timely paid by the Sponsor, the amount due is subject to the minimum amount of interest that the law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation described in this Exhibit E survives termination of this Fee Agreement.

## Richland County Council Request for Action

**Subject:**

Transportation Penny Advisory Committee (TPAC) Recommendations

**Notes:**

June 18, 2024—The Transportation Ad Hoc Committee recommends that the “Categorized Needs List” percentages from the Transportation Penny Advisory Committee be approved, allocating 65% of non-COMET funding to Community Investment and 35% to County Advancement.



## **REQUEST OF ACTION**

**Subject:** FY25 - District 1 Hospitality Tax Allocations

### **A. Purpose**

County Council is being requested to approve a total allocation of **\$20,000** for District 1.

### **B. Background / Discussion**

For the 2024 - 2025 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

**Motion List (3<sup>rd</sup> reading) for FY17:** Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

**Motion List (3<sup>rd</sup> reading) for FY25, Regular Council Meeting – June 18, 2024:** Establish Hospitality Tax discretionary accounts for each district in FY25 at the amount of \$82,425. Move that up to \$300,000 of unallocated district specific H-Tax funding for FY23-24 be carried over and added to any additional funding for FY24-25.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY25 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 1 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2024 Remaining	\$ 39,425
Capital City Lake Murray Country	\$ 20,000
<b>Total Allocation</b>	<b>\$ 20,000</b>
<b>FY25 Approved Allocations YTD</b>	<b>\$ 0</b>
<b>Remaining FY2024 Balance</b>	<b>\$141,850</b>

### C. Legislative / Chronological History

- 3<sup>rd</sup> Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3<sup>rd</sup> Reading of the Budget FY19- June 21, 2018
- 3<sup>rd</sup> Reading of the Budget FY20- June 10, 2019
- 3<sup>rd</sup> Reading of the Budget FY21- June 11, 2020
- 3<sup>rd</sup> Reading of the Budget FY22- June 10, 2021
- 3<sup>rd</sup> Reading of the Budget FY23- June 7, 2022
- 3<sup>rd</sup> Reading of the Budget FY24- June 6, 2023
- 3<sup>rd</sup> Reading of the Budget FY25- June 18, 2024

### D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

### E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.



## **REQUEST OF ACTION**

**Subject:** FY25 - District 2 Hospitality Tax Allocations

### **A. Purpose**

County Council is being requested to approve a total allocation of **\$5,000** for District 2.

### **B. Background / Discussion**

For the 2024 - 2025 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

**Motion List (3<sup>rd</sup> reading) for FY17:** Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

**Motion List (3<sup>rd</sup> reading) for FY25, Regular Council Meeting – June 18, 2024:** Establish Hospitality Tax discretionary accounts for each district in FY25 at the amount of \$82,425. Move that up to \$300,000 of unallocated district specific H-Tax funding for FY23-24 be carried over and added to any additional funding for FY24-25.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY25 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 2 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2024 Remaining	\$ 51,625
Capital City Lake Murray Country	\$ 5,000
<b>Total Allocation</b>	<b>\$ 5,000</b>
<b>FY25 Approved Allocations YTD</b>	<b>\$ 0</b>
<b>Remaining FY2025 Balance</b>	<b>\$129,050</b>

### C. Legislative / Chronological History

- 3<sup>rd</sup> Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3<sup>rd</sup> Reading of the Budget FY19- June 21, 2018
- 3<sup>rd</sup> Reading of the Budget FY20- June 10, 2019
- 3<sup>rd</sup> Reading of the Budget FY21- June 11, 2020
- 3<sup>rd</sup> Reading of the Budget FY22- June 10, 2021
- 3<sup>rd</sup> Reading of the Budget FY23- June 7, 2022
- 3<sup>rd</sup> Reading of the Budget FY24- June 6, 2023
- 3<sup>rd</sup> Reading of the Budget FY25- June 18, 2024

### D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

### E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.



## **REQUEST OF ACTION**

**Subject:** FY25 - District 5 Hospitality Tax Allocations

### **A. Purpose**

County Council is being requested to approve a total allocation of **\$20,000** for District 5.

### **B. Background / Discussion**

For the 2024 - 2025 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

**Motion List (3<sup>rd</sup> reading) for FY17:** Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

**Motion List (3<sup>rd</sup> reading) for FY25, Regular Council Meeting – June 18, 2024:** Establish Hospitality Tax discretionary accounts for each district in FY25 at the amount of \$82,425. Move that up to \$300,000 of unallocated district specific H-Tax funding for FY23-24 be carried over and added to any additional funding for FY24-25.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY25 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 5 H-Tax discretionary account breakdown and its potential impact is listed below:



Initial Discretionary Account Funding	\$ 82,425
FY2024 Remaining	\$ 7,650
Columbia Classical Ballet	\$ 5,000
South Carolina Ballet	\$ 5,000
<b>Total Allocation</b>	<b>\$ 10,000</b>
<b>FY25 Approved Allocations YTD</b>	<b>\$ 0</b>
<b>Remaining FY2025 Balance</b>	<b>\$ 80,075</b>

### **C. Legislative / Chronological History**

- 3<sup>rd</sup> Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3<sup>rd</sup> Reading of the Budget FY19- June 21, 2018
- 3<sup>rd</sup> Reading of the Budget FY20- June 10, 2019
- 3<sup>rd</sup> Reading of the Budget FY21- June 11, 2020
- 3<sup>rd</sup> Reading of the Budget FY22- June 10, 2021
- 3<sup>rd</sup> Reading of the Budget FY23- June 7, 2022
- 3<sup>rd</sup> Reading of the Budget FY24- June 6, 2023
- 3<sup>rd</sup> Reading of the Budget FY25- June 18, 2024

### **D. Alternatives**

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

### **E. Final Recommendation**

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.



## **REQUEST OF ACTION**

**Subject:** FY25 - District 6 Hospitality Tax Allocations

### **A. Purpose**

County Council is being requested to approve a total allocation of **\$30,000** for District 6.

### **B. Background / Discussion**

For the 2024 - 2025 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

**Motion List (3<sup>rd</sup> reading) for FY17:** Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

**Motion List (3<sup>rd</sup> reading) for FY25, Regular Council Meeting – June 18, 2024:** Establish Hospitality Tax discretionary accounts for each district in FY25 at the amount of \$82,425. Move that up to \$300,000 of unallocated district specific H-Tax funding for FY23-24 be carried over and added to any additional funding for FY24-25.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY25 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 6 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2024 Remaining	\$300,000
Capital City Lake Murray Country	\$ 30,000
<b>Total Allocation</b>	<b>\$ 30,000</b>
<b>FY25 Approved Allocations YTD</b>	<b>\$ 0</b>
<b>Remaining FY2024 Balance</b>	<b>\$352,425</b>

#### **C. Legislative / Chronological History**

- 3<sup>rd</sup> Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3<sup>rd</sup> Reading of the Budget FY19- June 21, 2018
- 3<sup>rd</sup> Reading of the Budget FY20- June 10, 2019
- 3<sup>rd</sup> Reading of the Budget FY21- June 11, 2020
- 3<sup>rd</sup> Reading of the Budget FY22- June 10, 2021
- 3<sup>rd</sup> Reading of the Budget FY23- June 7, 2022
- 3<sup>rd</sup> Reading of the Budget FY24- June 6, 2023
- 3<sup>rd</sup> Reading of the Budget FY25- June 18, 2024

#### **D. Alternatives**

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

#### **E. Final Recommendation**

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.