

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
FEBRUARY 5, 2008
6:00 P.M.**

**CALL TO ORDER Honorable Joseph McEachern,
Chairman**

**INVOCATION Honorable Valerie Hutchinson,
Vice-Chair**

**PLEDGE OF ALLEGIANCE
 Honorable Valerie Hutchinson,
Vice-Chair**

ADOPTION OF AGENDA

APPROVAL OF MINUTES

Regular Session: January 22, 2008 [Pages 6-12]

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE
SESSION ITEMS**

REPORT OF THE COUNTY ADMINISTRATOR

a. Presentation of Audit

REPORT OF THE CLERK OF COUNCIL

a. Retreat Overview

REPORT OF THE CHAIRMAN

**OPEN/CLOSE PUBLIC HEARING ITEMS
1.a., 1.b.**

APPROVAL OF CONSENT ITEMS

1.a., 2.a., 3. a., 3.b., 3.c., 3.d., 3.e., 3.f., 4.a.1., 4.a.2., 4.a.3., 4.b., 4.c., 4.d., 4.e., 4.f., 4.g., 4.h., 4.i., 4.j.

1. THIRD READING ITEMS

- a. An Ordinance authorizing extension of lease with the Richland County Recreation Commission regarding Ballentine Park [PUBLIC HEARING] [CONSENT] [Pages 13-17]**
- b. An Ordinance establishing policies and procedures to be followed in connection with conduit financings [PUBLIC HEARING] [NO ACTION NECESSARY]**

2. SECOND READING ITEMS

- a. An Ordinance temporarily extending staff review time for various actions required under the Richland County Code of Ordinances; Chapter 26, Land Development [CONSENT] [Pages 18-20]**

3. REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE [Pages 21-22]

- a. Neighborhood Design Standards (Previously listed as Ordinance to create an Architectural Review Board) [CONSENT]**
- b. Request to approve Airport Commission recommendations [CONSENT]**
- c. Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B & C Development Co., LLC) [CONSENT]**
- d. An ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [CONSENT] [Pages 23-24]**

- e. **Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [CONSENT] [Page 25]**
 - f. **Request to approve a grant from Palmetto Pride in the amount of \$6,000 for a community recycling event [CONSENT]**
 - g. **Request to approve the expenditure of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway**
- 4. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE [Pages 26-27]**
- a. **Business Service Center Ordinance Revisions:**
 - 1. **Hospitality Tax [CONSENT] [Pages 28-29]**
 - 2. **Peddlers' Licenses [CONSENT] [Pages 30-34]**
 - 3. **Tourism Development Fee [CONSENT]**
 - b. **An ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and miscellaneous business regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses [CONSENT] [Pages 35-50]**
 - c. **Request to approve the purchase of Microsoft Software Assurance from ASAP SOFTWARE in an amount not to exceed \$118,501 [CONSENT]**
 - d. **Request to approve acceptance of a Hazardous Materials Emergency Preparedness (HMEP) training grant of \$5,000 from the S. C. Emergency Preparedness Division (No personnel, no match) [CONSENT]**
 - e. **A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia [CONSENT] [Pages 51-52]**

- f. **Request to award construction contracts to Monteray Construction (\$1,722,000) for the construction of the Elders Pond EMS station and Tyler Construction Company (\$740,000) for construction of the Horrell Hill EMS station [CONSENT]**
- g. **A budget amendment to increase the Board of Voter Registration Department budget by \$20,000 for the purpose of providing for part-time employees [CONSENT] [Pages 53-54]**
- h. **An ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled "4.A. Building Codes and Inspections"; so that a new county department will be created [CONSENT] [Pages 55-57]**
- i. **An ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale [CONSENT] [Pages 58-59]**
- j. **Animal Care MOU with Lexington County (Motion requests that council place the bond ordinance and MOU on the agenda for the February 19, 2008 meeting) [CONSENT]**

5. REPORT OF THE SPECIAL CALLED DEVELOPMENT AND SERVICES COMMITTEE

- a. **An ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental use standards; Section 26-151, permitted uses with special requirements; subsection (c), standards; paragraph (66), sexually oriented businesses; so as to amend requirements pertaining to sexually oriented businesses [Pages 60-76]**
- b. **Fire Agreement Extension with the City of Columbia [Pages 77-78]**

- 6. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE [Page 79]**
 - I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**
 - a. Building Codes Board of Adjustments and Appeals-1**
 - II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
 - a. Accommodations Tax Committee-1 [Page 80-81]**
 - III. DISCUSSIONS**
 - a. Motions Made During Motion Period [Page 82]**
 - b. Presentations [Page 82]**
- 7. ITEM DEFERRED FROM 01/22/08**
 - a. Lower Richland Sewer Service**
- 8. APPROVAL OF BUDGET CALENDAR**
- 9. CITIZENS' INPUT**
- 10. EXECUTIVE SESSION**
- 11. MOTION PERIOD**
- 12. ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 22, 2008 6:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Anna Almeida, Jennie Sherry-Linder, Audrey Shifflett, Angie McInchok, James Hayes, Lashedra Pontoon, Latasha McIlwain, Daniel Driggers, Teresa Smith, Michael Byrd, George Rice, Andy Metts, Chief Harrell, Paige Green, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Michael Montgomery

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Michael Montgomery

PRESENTATIONS

CASA – Ms. Paige Green expressed appreciation to Council for their continued support with a brief presentation recognizing the 1,328 children that CASA was able to serve in 2007.

RESOLUTIONS

EMS Defibrillators Resolution – Mr. Pearce presented a resolution to the four EMS employees who resuscitated the football fan at the Carolina-Clemson football game.

Mr. Pope recognized Dr. Gambell and Nancy Gambell who initiated CPR on Mr. Crawford; Mark Turner, a friend of Mr. Crawford; Mr. Crawford, the fan who was resuscitated, and his wife; Michael Byrd, EMS Director; and Dr. Girard, Medical Director of Richland County EMS.

Blythewood High School Bengals Football Team Resolution – Ms. Dickerson presented a resolution to the Blythewood High School football team in honor of them being undefeated in the 2007 season.

GFOA Budget Award – Mr. Pope presented the Budget Department the GFOA's Distinguished Budget Presentation Award. This is the 12th consecutive year that the Budget Department has received an award from the GFOA.

ADOPTION OF AGENDA

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

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: January 8, 2008 – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following item was a potential Executive Session item:

a. **Farmers' Market Update**

REPORT OF THE COUNTY ADMINISTRATOR

Riverside Property Purchase: Funding Recommendations – Mr. Pope stated that this item will be deferred until the February 5th Council meeting.

Retreat: Thursday, January 31-February 2, 2008, Madren Conference Center, Clemson, SC – Mr. Pope reminded Council about the upcoming Council Retreat that will take place January 31-February 2 at the Madren Conference Center in Clemson.

Billboards Update – Mr. Pope stated that the Planning Commission voted 6-3 to table the Digital Billboard Ordinance until such time as the Federal Highway Administration study has been completed. The anticipated completion date for the study will be 2009. This item will be taken up at the January 29th Zoning Public Hearing.

Farmers' Market Update – Mr. Pope stated that he had followed-up as directed in the previous Executive Session meeting and was awaiting a response back from the State on this matter.

Lower Richland Sewer Service – Mr. Pope stated that he had sent a reconsideration letter to the City of Columbia and had been in communication with the City Manager. This item was placed on the City of Columbia's January 23rd agenda for discussion. Staff will present several options for Council's consideration at the February 5th meeting.

REPORT OF THE CLERK OF COUNCIL

Columbia Museum of Art Gala – Ms. Finch stated that the Columbia Museum of Art had extended a free invitation to Council members and a guest to attend the "Night on the Nile Gala" to celebrate their 10th year on Main Street. The event will take place on Saturday, January 26th at the Columbia Museum of Art on Main Street.

Retreat Transportation – Ms. Finch stated that a 15-passenger van will be departing from 2020 Hampton Street on January 31st for those that do not wish to drive their personal vehicles to the Retreat.

Committee Liaison Forms – Ms. Finch requested that all outstanding Committee liaison forms be completed in writing and forwarded to her no later than January 23rd.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

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

- **An Ordinance establishing a temporary moratorium on approval of floodplain management permits for development or construction within a portion of the Congaree River floodplain – No one signed up to speak.**
- **An Ordinance amending the fiscal year 2007-2008 general fund annual budget to amend section 23 and appropriate fund balance based on special duty administrative fees collected in FY 08 over the cost of the program from services rendered in FY 07 in the amount of one hundred eighty-four thousand nine hundred and ten dollars (\$184,910) to purchase non-lethal taser equipment and training for the Sheriff's Department – No one signed up to speak.**
- **An Ordinance amending the fiscal year 2007-2008 budget to fund a new computer aided dispatch system (CAD) and 911 telephone system – No one signed up to speak.**

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

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

- **An Ordinance establishing a temporary moratorium on approval of floodplain management permits for development or construction within a portion of the Congaree River floodplain [Third Reading]**
- **An Ordinance amending the fiscal year 2007-2008 general fund annual budget to amend section 23 and appropriate fund balance based on special duty administrative fees collected in FY 08 over the cost of the program from services rendered in FY 07 in the amount of one hundred eighty-four thousand nine hundred and ten dollars (\$184,910) to purchase non-lethal taser equipment and training for the Sheriff's Department [Third Reading]**
- **An Ordinance amending the fiscal year 2007-2008 budget to fund a new computer aided dispatch system (CAD) and 911 telephone system [Third Reading]**
- **An Ordinance authorizing extension of lease with the Richland County Recreation Commission regarding Ballentine Park [Second Reading]**

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. **Accommodations Tax Advisory Committee—1** – Mr. Montgomery stated there were no applicants and one vacancy. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- b. **Business Service Center Appeals Board—5** – Mr. Montgomery stated there was one applicant and five vacancies. The committee recommended appointing Ms. Rhondra O. Willis and re-advertising the outstanding vacancies. The vote in favor was unanimous.
- c. **Employee Grievance Committee—2** – Mr. Montgomery stated there were no applicants and two vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- d. **Internal Audit Committee—1** – Mr. Montgomery stated there were no applicants and one vacancy. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

II. DISCUSSION ITEMS

- a. **Motions Made During Motion Period (Rule Change)** – Mr. Montgomery stated this item was held in committee until additional information had been received.
- b. **Presentations (Rule Change)** – Mr. Montgomery stated this item was held in committee until additional information had been received.
- c. **Business Service Center Appeals Board (Possible Change to the Ordinance)** – Mr. Montgomery stated the committee was researching a possible ordinance change, as it applies to the requirements of applicants; to this board.

Lower Richland Sewer Service – Mr. Jackson moved, seconded by Ms. Hutchinson, to defer this item until the February 5th meeting. A discussion took place.

The vote in favor was unanimous.

**APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN
AN UNINCORPORATED AREA OF RICHLAND COUNTY**

Linda R. Jacobs, 521 Quail Hills Drive, Hopkins, South Carolina 29061—District 11—Jackson – Mr. Jackson moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

MOTION PERIOD

Work Session regarding Ordinance amending Floodplain Overlay District (Clerk's recommendation 01/29/08, 3:00 p.m.) – The consensus of Council was to schedule the work session for January 29th at 3:00 p.m.

Eastover Industrial Park – Ms. Scott requested that the County Administrator assess the newly proposed site for the Eastover Industrial Park.

Sarah Jones Resolution – Ms. Scott moved, seconded by Mr. Jackson, to approve a resolution for Sarah Jones' 90th birthday. The vote in favor was unanimous.

Farmers' Market Lawsuit – Ms. Scott requested that the County Administrator research the feasibility of a lawsuit regarding the Farmers' Market.

ADJOURNMENT

The meeting adjourned at approximately 6:51 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

**Richland County Council
Regular Session
Tuesday, January 22, 2008
Page Seven**

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

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

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE LEASE BETWEEN
RICHLAND COUNTY AND THE RICHLAND COUNTY RECREATION
COMMISSION FOR BALLENTINE PARK.

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

SECTION I. There is hereby authorized the extension of the Lease between Richland County and the Richland County Recreation Commission, dated September 20, 1978 and the Addendum authorized by Ordinance No. 070-94HR, dated October 4, 1994, providing for the leasing of certain property lying and being near Ballentine, South Carolina, for use as a park. Said extension shall be for an additional Twenty-five (25) years from and after September 27, 2023, the date of the expiration of the Addendum to the original Lease.

SECTION II. The consideration for the leasing of the property shall be the sum of One dollar (\$1.00) for the additional Twenty-five year period.

SECTION III. A copy of the Addendum to the Lease, setting forth the terms and conditions of the extension, is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of _____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: January 8, 2008
Second Reading: January 22, 2008
Public Hearing: February 5, 2008 (tentative)
Third Reading: February 5, 2008 (tentative)

destruction to persons or property arising out of the co-curricular and/or recreational use or other activity on the leased property. The policy will be issued by an insurer rated A or better by Best's or a comparable rating service. Lessee shall provide annual proof of insurance and worker's compensation coverage to Lessor.

4. Lessee shall require proof of liability and worker's compensation coverage from any third-parties using the property who are not a party to this Lease.

5. This Lease and any Addendums shall automatically terminate upon the occurrence of any of the following:

a) Lessee fails to maintain the required insurance coverage on the property for any continuous thirty (30) day period.

b) Lessee fails to utilize the property for recreational purposes for any continuous 180 day period. For the purpose of this section, utilization does not include use by third-parties not subject to this Lease and any Addendums.

6. This Lease and Addendums may be terminated by either party with ninety (90) days written notice to the other party.

SIGNED AND SEALED by the parties hereto on the date first above written.

{Signature Page Follows}

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Chair, Richland County Council

RICHLAND COUNTY RECREATION
COMMISSION

By: _____
Its: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 29, 2008
First Reading: January 29, 2008
Second Reading: February 4, 2008 (tentative)
Third Reading:



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Damon Jeter
District 3

Norman Jackson, Chair
District 11

Kit Smith
District 5

Bill Malinowski
District 1

Tuesday, January 29, 2008
4:00 PM

Recommendations

I. Items for Action

- Consent A. Neighborhood Design Standards (Previously listed as Ordinance to create an Architectural Review Board)** – The committee recommended that council approve the Planning Director’s recommendation, which includes using zoning overlay and development regulations rather than the creation of an Architectural Review Board. The Decker Boulevard Neighborhood Plan will be used as a pilot project for such design guidelines. The vote in favor was unanimous.
- Consent B. Request to approve Airport Commission recommendations** – The committee recommended that council approve the Airport Commission’s recommendations regarding ramp fee schedules, replacement fees for access keys, electricity costs, and regulations for the placements of memorial markers. The committee also recommended that staff look at the possibility of charging fees for overflow and trailer parking. The vote in favor was unanimous.
- Consent C. Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B & C Development Co., LLC)** – The committee recommended that council approve the sewer extension agreement. The vote in favor was unanimous.
- Consent D. An ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions** – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.
- Consent E. Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley** – The committee recommended that council give first reading approval to the ordinance.

The vote in favor was unanimous.

- Consent**
- F. Request to approve a grant from Palmetto Pride in the amount of \$6,000 for a community recycling event (No match, no personnel) –** The committee recommended that council accept the \$6,000 grant from Palmetto Pride. The vote in favor was unanimous.

 - G. Request to approve the expenditure of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway –** The committee recommended that council approve the expenditure of up to \$100,000 from the FY08 Electric Traffic Signal Program fund for the installation of the traffic signal. The vote was in favor.

Staffed by Joe Cronin

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

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

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

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

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

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

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

Sections 12-42 – 12-47. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO “WE RENT PRETTY HOMES, LLC” FOR A CERTAIN PARCEL OF LAND TOTALING SIXTY-TWO (62) SQUARE FEET LOCATED ALONG HASTINGS ALLEY, COLUMBIA, SOUTH CAROLINA, A PORTION OF TMS # R13809-03-16.



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Paul Livingston
District 4

Greg Pearce
District 6

Joyce Dickerson, Chair
District 2

Mike Montgomery
District 8

Val Hutchinson
District 9

Tuesday, January 29, 2008
5:30 PM

Recommendations

I. Items for Action

A. Business Service Center Ordinance Revisions:

- Consent** 1. **Hospitality Tax** – The committee recommended that council give first reading approval to the ordinance amendments. The vote in favor was unanimous.
- Consent** 2. **Peddlers' Licenses** – The committee recommended that council give first reading approval to the ordinance amendments. The vote in favor was unanimous.
- Consent** 3. **Tourism Development Fee** – The committee recommended that council give first reading approval to the ordinance amendments. The vote in favor was unanimous.
- Consent** B. **An ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and miscellaneous business regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses** – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.
- Consent** C. **Request to approve the purchase of Microsoft Software Assurance from ASAP SOFTWARE in an amount not to exceed \$118,501** – The committee recommended that council approve the purchase. The vote in favor was unanimous.
- Consent** D. **Request to approve acceptance of a Hazardous Materials Emergency Preparedness (HMEP) training grant of \$5,000 from the S.C. Emergency Preparedness Division (No personnel, no match)** – The committee recommended

that council that council accept the grant. The vote in favor was unanimous.

- Consent E. A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia – The committee recommended that council approve the budget amendment. The vote in favor was unanimous.**
- Consent F. Request to award construction contracts to Monteray Construction (\$1,722,000) for the construction of the Elders Pond EMS station and Tyler Construction Company (\$740,000) for construction of the Horrell Hill EMS station – The committee recommended that council approve both contracts. The vote in favor was unanimous.**
- Consent G. A budget amendment to increase the Board of Voter Registration Department budget by \$20,000.00 for the purpose of providing for part-time employees – The committee recommended that council give first reading approval to the budget amendment. The vote in favor was unanimous.**
- Consent H. An ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled “4.A. Building Codes and Inspections”; so that a new county department will be created – The committee recommended that council give first reading approval to the ordinance with the following amendment: Section 2-217 be amended to require that the Director of Planning and Development Services possess a degree in planning, engineering, architecture, or a related field *and* at least five years of responsible experience.**
- Consent I. An ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.**
- Consent J. Animal Care MOU with Lexington County (Motion requests that council place the bond ordinance and MOU on the agenda for the February 19, 2008 meeting) – The committee made a recommendation to council that the bond ordinance should appear for third reading and a public hearing during the February 19th council meeting, that the MOU with Lexington County should also appear on the same agenda, and that the ad hoc committee meet with representatives from Lexington County prior to third reading of the bond ordinance. The vote in favor was unanimous.**

Staffed by Joe Cronin

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

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

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

SECTION I. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-67, Payment of Local Hospitality tax; Subsection (c); is hereby amended read as follows:

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

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

Sec. 23-73. Violations and Penalties.

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

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

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

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

ARTICLE III. SOLICITORS AND PEDDLERS AND HAWKERS

Section 16-28. Definitions.

Charitable organization means a person:

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

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

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

place, or by placards, labels, or signals.

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

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

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

Section 16-29. Administration.

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

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

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

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

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

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

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

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

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

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

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

Section 16-31. Solicitation of charitable funds.

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

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

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

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

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

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

Section 16-33. Panhandling prohibited.

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

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

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

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

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

Section 16-35. Enforcement.

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

Section 16-36. Violations.

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

Section 16-37 – 16-40. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

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

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

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

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

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

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

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

Section 16-1. License Required.

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

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

Section 16-2. Definitions.

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

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

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

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

Gross income for brokers or agents means gross commissions received or

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

- (910) “*Gross receipts*” means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (11) “Insurance company” refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as “any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a “contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies”] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations”, and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).
- (1012) “*License official*” means a county employee who is designated to administer this article, and/or his/her designee(s).
- (1113) “*Person*” means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- (14) “Sexually Oriented Business” means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

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

Section 16-3. General Purpose and Duration.

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

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

Section 16-6. Registration Required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 16-17. Sexually Oriented Businesses.

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

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

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

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

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

Section 16-18. Revocation of License.

When the License Official determines that:

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

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

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

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

Section 16-19. Appeals.

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

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

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

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

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

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

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

Section 16-21. Confidentiality.

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

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

Section 16-22. Violations.

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

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

REVENUE

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

EXPENDITURES

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

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:

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

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

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

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

REVENUE

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

EXPENDITURES

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; is hereby amended to read as follows:

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

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

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

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

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

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

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

Sec. 2-219. Staff; personnel.

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

Sec. 2-220 – 2-221. Reserved.

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

DIVISION 4A. BUILDING CODES AND INSPECTIONS

Sec. 2-222. Creation; director.

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

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

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

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

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

Sec. 2-225. Staff; personnel.

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

Sec. 2-226. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

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

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

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

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL as follows:

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of _____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (66), SEXUALLY ORIENTED BUSINESSES; SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES.

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

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

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

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

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

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

WHEREAS, the secondary effects information discussed herein is in addition to secondary effects information compiled and considered by the Richland County Council

when it adopted Ordinance 1609-87 HR, which became the original Sexually Oriented Business Ordinance, and subsequent amendments thereto; and

WHEREAS, the Richland County Council finds that documents and public comments in that original legislative record for Ordinance 1609-87HR, as well as the secondary effects information identified in this ordinance provide legislative support for the original Sexually Oriented Business Ordinance.

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 Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended by the deletion of the definition of "Sexually oriented business" and the substitution of the following language:

Sexually oriented business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, ~~nude model studio~~, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (b) *Adult bookstore or adult video store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) any one (1) or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes ~~or video reproductions~~, compact discs, digital video discs, video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store.

Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes activities is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

(3) Principal business activities means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items.

(c) *Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, ~~that regularly features:~~ regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

~~(1) Persons who appear in a state of nudity; or~~

~~(2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or~~

~~(3) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.~~

(d) *Adult motel.* A hotel, motel, or similar commercial establishment that:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

- (e) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- ~~(f) *Adult theater.* A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.~~
- (g) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (i) *Establishment of a sexually oriented business.* Any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (j) *Nude model studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a modeling class operated by a proprietary school licensed by the State of South Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

In these situations, no more than one (1) nude model may be present at any one time.

- (kj) *Nude or a state of nudity.* ~~The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.~~
- (l) ~~Permittee and/or licensee.~~ A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- (mk) *Semi-nude.* ~~A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of a majority of the male or female buttocks. This definition shall include the lower portion of the female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.~~
- (nl) *Sexual encounter center.* A business or commercial enterprise that, as one of its ~~primary~~ principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (om) *Specified anatomical areas.* ~~The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. The human genitals, pubic region, buttocks, and female breast below a point~~

immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(pn) *Specified sexual activities.* Any of the following:

- (1) ~~The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; intercourse, oral copulation, masturbation or sodomy; or~~
- (2) ~~Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and/or sodomy;~~
- (3) ~~Masturbation, actual or simulated; or~~
- (24) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (3) of this definition above.

(eq) *Substantial enlargement of a sexually oriented business.* The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on August 1, 1987.

(rp) Transfer of ownership or control of a sexually oriented business. Any of the following:

- (1) The sale, lease, or sublease of the business; or
- (2) The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(66) *Sexually oriented businesses.*

- a. Use districts: General Commercial.

b. Purpose and Findings:

1. ~~It is~~ The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, ~~morals,~~ and general welfare of the citizens of Richland County. ~~Furthermore, the purpose of these regulations is~~ and to establish reasonable and uniform regulations to prevent the ~~continued deleterious location and concentration~~ secondary effects of sexually oriented businesses within the County. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials, ~~including sexually oriented materials or expression~~. Similarly, it is ~~not~~ neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity ~~obscene material~~.

2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented

Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

(a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.

(b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

c. Classification. Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

~~d. Permit and/or license required:~~

- ~~1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.~~
- ~~2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.~~
- ~~3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their inspections and certify same to the zoning administrator within twenty one (21) days of receipt of the application by said zoning administrator.~~
- ~~4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.~~
- ~~5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.~~

~~e. Issuance of permit and/or license. The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:~~

- ~~1. An applicant is under eighteen (18) years of age.~~

- ~~2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.~~
 - ~~3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.~~
 - ~~4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.~~
 - ~~5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.~~
 - ~~6. The permit and/or license fee required by this ordinance has not been paid.~~
 - ~~7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.~~
 - ~~8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.~~
- ~~f. Fees. The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.~~

~~g. Inspection.~~

- ~~1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.~~
- ~~2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit~~

~~such lawful inspection of the premises at any time it is occupied or open for business.~~

~~h. *Expiration of permit and/or license.*~~

- ~~1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.~~
- ~~2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.~~

~~i. *Suspension.*— The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:~~

- ~~1. Violated or is not in compliance with any provision of this section;~~
- ~~2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;~~
- ~~3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or~~
- ~~4. Knowingly permitted gambling by any person on the sexually oriented business premises.~~

~~j. *Revocation.*~~

- ~~1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.~~
- ~~2. The zoning administrator shall revoke a permit and/or license if he or she determines that:~~

- ~~(a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;~~
- ~~(b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;~~
- ~~(c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;~~
- ~~(d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;~~
- ~~(e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;~~
- ~~(f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.~~

~~3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.~~

~~k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.~~

ld. *Location of Sexually Oriented Businesses:*

- ~~1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a GC General Commercial District.~~
- ~~2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business A sexually oriented business~~

shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare center or a pre-school, a boundary of any residential district, or a public park adjacent to any residential district, or the property line of a lot devoted to residential use.

3. ~~A person commits a misdemeanor if he or she operates or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a Δ sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.~~
4. ~~A person commits a misdemeanor if he or she operates or permits ~~the~~ operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.~~
5. For the purpose of this ~~Section 26-151(e)(66)~~ subparagraph d. 2., above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship or public or private elementary or secondary school, or to the nearest boundary of an affected public park, or a residential zoning district, or a residential lot.
6. For the purpose of ~~subsection~~ subparagraph d. 3., above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the businesses are located.
7. ~~Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above, shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular~~

location is the conforming use and the later established business(es) is nonconforming.

- ~~8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a place of worship, public or private elementary or secondary school, public park, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.~~

~~m. Additional regulations for adult motels.~~

- ~~1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.~~
- ~~2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.~~
- ~~3. For purposes of subsection 2. above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.~~

~~em. Regulations pertaining to exhibition of sexually explicit films or videos.~~

~~1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, compact discs, digital video discs, or other video, electronic, or digital reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:~~

- ~~(a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a Δ diagram of the premises showing a plan thereof specifying the location of one or more~~

manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. ~~The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.~~

- (b) The application diagram shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection subparagraph must be by direct line of sight from the manager's station.
- (f) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection subparagraph (e) above remains unobstructed by any doors, walls, merchandise,

display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application diagram submitted filed pursuant to subsection subparagraph (a) above.

- (g) No viewing room may be occupied by more than one (1) person at any time.
- (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
- (i) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.

~~2. A person having a duty under subsection (a) through (i) of subsection 1., above, commits a misdemeanor if he or she knowingly fails to fulfill that duty.~~

f. Regulations pertaining to adult cabarets. It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret, while located within an adult cabaret, to appear in a state of nudity or to fail to comply with the definition of semi-nude.

eg. *Exemptions.* It is a defense to prosecution under subsections subparagraph (66)e. and (66)f. (66)d., above (Location of Sexually Oriented Businesses), that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or
2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:

- (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- (c) Where no more than one (1) nude model is present at any one (1) time.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:	February 5, 2008 (tentative)
Public Hearing:	February 26, 2008 (tentative)
Second Reading:	February 26, 2008 (tentative)
Third Reading:	March 4, 2008 (tentative)

Richland County Council Request of Action

Subject: FIRE SERVICE CONTRACT ESD010708002

A. Purpose

The purpose of this report is to obtain County Council approval to authorize the County Administrator to begin negotiations for a new fire service contract with the City of Columbia.

B. Background / Discussion

Since 1992 Richland County has partnered with the City of Columbia to provide fire suppression service to the unincorporated areas of the county. Richland County provides the other services such as code enforcement, hazardous materials enforcement, etc. The current agreement expires in 2008. It is necessary to negotiate with the City of Columbia to create a new agreement or to negotiate an extension of the current agreement.

C. Financial Impact

County Council approves the fire service budget during the regular budget process. Richland County has a separate millage to fund fire services. Each year the exact cost for the City of Columbia to provide fire suppression is itemized for Council's consideration and approval. The budget will be presented to Council within the next few months.

D. Alternatives

1. Richland County can negotiate a new contract with Columbia.
2. Richland County can extend the existing contract if Columbia agrees.
3. Richland County can provide fire service without assistance from the City of Columbia.

E. Recommendation

It is recommended that Council authorize the County Administrator to negotiate with Columbia and report back to Council on the options generated from the discussions.

Recommended by: Michael A. Byrd Department: Emergency Services Date: 01-07-08

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by (Finance Director):

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Reviewed by (Budget Director):

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by:

Date:

Recommend Council approval
Comments regarding recommendation:

Recommend Council denial

Grants

Reviewed by:
 Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Legal

Reviewed by:
 Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Administration

Reviewed by: J. Milton Pope
✓ Recommend Council approval
Comments regarding recommendation: I recommended that Council authorize the County Administrator to negotiate with Columbia and report back to Council on the options generated from the discussions.

Date: 1-31-08

Recommend Council denial

Richland County Council Rules and Appointments Committee



Mike Montgomery
Chair
District Eight

Paul Livingston
District Four

Bill Malinowski
District One

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

RICHLAND COUNTY COUNCIL REGULAR SESSION MEETING FEBRUARY 5, 2008

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

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

A. Building Codes Board of Adjustments and Appeals-1

There is one vacancy to on this board for an unexpired term.

Tammy St. Clair (Engineer) June 20, 2009 (Resigned)

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

A. Accommodations Tax Committee-1

There is one appointment to be made to this committee; one application was received from the following person.

Wallace B. Cunningham, Program Coordinator II, SC Dept of Social Services

III. DISCUSSIONS

A. Motions Made During Motion Period

B. Presentations

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



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Wallace B. Cunningham

Home Address: 129 Sharon Circle Columbia, South Carolina 29205

Telephone: (home) 803 790 9915 (work) 803 898 7748

Office Address: S. C. Department of Social Services Po Box 1520 Columbia SC, 29202-1520

Email Address: _ millions_ 29205@yahoo.com

Educational Background: Bachelor of Arts Degree, Government and Public Administration
University of South Carolina

Professional Background: Program Coordinator II S. C. Department of Social Services

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Accommodations Tax Committee

Reason for interest: Interested in promoting artistic and cultural development as part of the
economic engine in the Richland County community.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
Grant experience as a member of the Board of Directors of the Cultural Council of Richland and
Lexington Counties, former chairman of the Quarterly Grants Committee. In addition, familiar
with local arts and cultural organizations throughout Richland County. Currently a member of
the Allocations Committee which reviews and approves grants for fourteen major grantee
organizations.

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? I am a very passionate advocate of arts and culture.

Recommended by Council Member(s): L. Gregory Pearce

Hours willing to commit each month: Twenty

Language for Motion Period...

- 15) Motion period/Announcements: Any Council member may make an announcement or introduce an item (including resolutions and ordinances) for referral to a Committee. In addition, any Council member may make a motion for the approval of a resolution or to give first reading approval to an ordinance. Such resolutions and ordinances may be referred to a Committee for further deliberation or, by unanimous consent, the resolution shall be deemed adopted or the ordinance may be sent forward for second reading. Further, any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.

Add: 1. a. *Prior to the council meeting a council member should submit a request in writing by completing a form electronically or by paper to the Clerk's by 5:00 pm the Friday before the deliverance of the agenda.*

Language for presentations...

Persons requesting to give a presentation before council must submit in writing the content of the presentation to the Clerk's office prior to the council meeting. Presentations must be given prior approval and be placed on the council agenda. Presentations should be limited to 5 minutes and questions and answers must be included in that time.

1. b. Presentations before Council are scheduled for the regularly scheduled meeting on the third Tuesday of the month.