



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Norman Jackson	Joyce Dickerson	Valerie Hutchinson (Chair)	Bill Malinowski	Kelvin Washington
District 11	District 2	District 9	District 1	District 10

**APRIL 26, 2011
4:00 PM**

2020 Hampton Street, Columbia, South Carolina

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: March 22, 2011 [pages 5-6]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Allow the subdivision of land in the RU zoning district without the necessity of following all subdivision requirements [pages 8-14]
3. Amend Chapter 26 to define all businesses referenced therein [pages 16-18]

4. Amending Chapter 26 to eliminate additional setback requirements [pages 20-25]
5. Amending the Richland County Code of Ordinances to address environmental issues [pages 27-28]
6. Animal Care Ordinance Revisions [pages 30-49]
7. Right of Way Abandonment for Old Clarkson Road [pages 51-58]
8. Smoking Ban Ordinance Amendment-"Reasonable Distance" [pages 60-63]
9. Summit Parkway Sidewalk Project [pages 65-69]
10. To adopt an ordinance banning texting while operating a motor vehicle [pages 71-75]
11. Weekend directional signs [pages 77-78]
12. Change in Procedures for Collection of Yard Waste [pages 80-83]

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

13.
 - a. Curfew for Community Safety (Manning February 2010)
 - b. Direct staff to coordinate with DHEC and SCDOT a review of traffic signal timing improvements and synchronization in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all businesses and residential construction that would cause a slowdown of traffic on the road servicing the facility (Malinowski-April 2010)
 - c. Farmer's Market Update (D&S October 2010)
 - d. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
 - e. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
 - f. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due to use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)

- g. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
- h. Off Ramp Lighting (Rose-February 2010)
- i. Council direct staff to address the proliferation of illegal signs in the County by involving Special Services Department or any other County departments to conduct a weekly Tuesday sign sweep along the most littered corridors of the County. All signs, except government and utility signs, in the right of way would be considered "litter" and disposed of by the County. In addition, I move that staff work with the Zoning Department to develop a simpler and more effective illegal sign ordinance and bring that back to Council. (Hutchinson-April 2011)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: March 22, 2011 [pages 5-6]

Reviews

**Richland County Council
Development and Services Committee
March 22, 2011
5:00 PM**



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: Valerie Huthinson
Member: Joyce Dickerson
Member: Norman Jackson
Member: Bill Malinowski
Member: Kelvin E. Washington, Sr.

Others Present: Paul Livingston, Damon Jeter, L. Gregory, Pearce, Jr., Gwendolyn Davis Kennedy, Seth Rose, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Stephany Snowden, Tamara King, Melinda Edwards, John Hixson, Andy Metts, David Hoops, Donald Chamblee, Pam Davis, Rodolfo Callwood, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:01 p.m.

APPROVAL OF MINUTES

February 22, 2011 (Regular Session) – Mr. Jackson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Malinowski moved, seconded by Mr. Jackson, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

A Resolution in Support of Dirt Road Paving Design – Mr. Washington moved, seconded by Ms. Dickerson, to forward a recommendation to Council to table this item. The vote in favor was unanimous.

Item# 1

Attachment number 1
Page 1 of 2

Fire Station Paving: Drives and Parking – Mr. Jackson moved, seconded Mr. Washington, to forward this item to Council with a recommendation for approval of Alternative #1: “Approve the request to enter into negotiations and a contract with the lowest responsible bidder, using concrete to complete all paving. This pavement process will reduce maintenance and avoid damage to emergency vehicles from unpaved roads. Additionally, the selection of this alternative provides a long-term solution requiring very little maintenance and greatly reduces maintenance cost in the future.” The vote in favor was unanimous.

Hopkins Community Water System Elevated Tank Color and Logo – Mr. Malinowski moved, seconded by Mr. Washington, to forward this item to Council with a recommendation for approval. The vote was in favor.

Off-Ramp Lighting – Mr. Malinowski moved, seconded by Mr. Washington, to hold this item in committee until staff has obtained additional information. The vote in favor was unanimous.

Power Line Easement to SCE&G – Mr. Jackson moved, seconded by Mr. Washington, to forward this item to Council without a recommendation and to have staff provide Council with a more detailed map. The vote was in favor.

Research and give alternative transportation options for released inmates – Mr. Washington moved, seconded by Mr. Malinowski, to call for the question. The vote in favor was unanimous.

Mr. Washington moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval of Alternative #1: “Re-establish Ad Hoc Jail Committee to identify drop-off points.” The vote was in favor.

Shady Wood Lane Improvements Contract – Mr. Malinowski moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation of Alternative #2: “Do not approve the request to award this construction contract to Cherokee Inc. in the amount of \$352,000.00.” The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 6:03 p.m.

Submitted by,

Valerie Hutchinson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Allow the subdivision of land in the RU zoning district without the necessity of following all subdivision requirements [pages 8-14]

Reviews

Richland County Council Request of Action

Subject: Allowing the subdivision of land in the RU zoning district without the necessity of following all subdivision requirements

A. Purpose

To amend the Land Development Code to allow the subdivision of land in the RU zoning district without the necessity of following all subdivision requirements,

B. Background / Discussion

On January 4, 2011, with unanimous consent, a motion was made by the Honorable Councilman Norman Jackson to amend the Land Development Code to allow the subdivision of land to family members without the necessity of following all subdivision requirements.

Upon review of the motion and comments made from Planning Commission members, staff has prepared a draft ordinance that would allow a private road subdivision irrespective of the relationship of the grantee and the grantor.

The draft ordinance is attached.

C. Financial Impact

None.

D. Alternatives

1. Approve the ordinance as drafted, and send it to the Planning Commission for their recommendation.
2. Approve an amended ordinance, and send it to the Planning Commission for their recommendation.
3. Do not approve the request.

E. Recommendation

This request is at Council's discretion.

Recommended by: Honorable Norman Jackson

Date: 1/4/11

F. Approvals

Planning

Reviewed by: Anna Fonseca

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This ordinance would allow the development of dirt roads, which has been problematic for the County in the past due to the lack of proper maintenance which has created impassable roads for emergency vehicles and residents.

Planning

Reviewed by: Amelia R. Linder

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This ordinance would allow for the possible proliferation of dirt roads in the rural areas of the county, along with the problems of proper maintenance and accessibility for emergency vehicles.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, in the proposed ordinance the minimum right-of way width is 66 ft for unpaved roads. In the county's current ordinance Sec. 21-5- (4) (f) provides for a minimum right -of- way of 50 ft.

In my opinion unless there is a reason for an exception, the minimum right- of -way width should be the same throughout the code. Either 50 ft or 66ft.

Administration

Reviewed by: Sparty Hammett

Date: 4/21/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The original motion was to expand the Heir Property ordinance to include all Family members. Both the Planning Commission and staff had concerns with the Family Property ordinance, as it would be unenforceable due to the inability to document or validate who family members are. As indicated by past history, there is a high likelihood that some of the dirt roads created through this ordinance will not be properly maintained (27 emergency maintenance requests were completed by Public Works in 2010).

I disagree with the County Attorney's comments regarding the need for a standard right-of-way width throughout the Code. Section 21-5 references the maintenance of existing unpaved roads, not the creation of new roads. It is common practice for counties to have varying right-of-way width requirements for the creation of new roads based upon the type of road being constructed. There is no "one-size fits all" for the right-of-width needed to properly construct roads.

Curbed roads collect the rain runoff on the pavement and discharge to storm sewers. This type of construction is more costly, but can be accomplished in a narrower area for which the 50 foot right-of-way is appropriate. Roads that do not control drainage by curbs must have open ditch drainage along the side of the road. The road side ditches

must be graded with a side slope that can be stabilized for erosion control. By their nature, the ditch becomes a roadside hazard to traffic, so there must also be provided a shoulder area for traffic safety. The provision of a properly graded ditch with shoulder cannot be accomplished within a 50 foot right-of-way. In addition, open swale ditches are not good locations for Utilities.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT PRIVATE ROAD SUBDIVISIONS.

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 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; is hereby amended to read as follows:

~~Sec. 26-224. Division of real property to heirs of a decedent.~~

- ~~(a) *Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs' difficulty in transferring real property of the deceased due to the county's land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased's estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- ~~(b) *Applicability.* The provisions of this section shall apply to all zoning districts.~~
- ~~(c) *Special requirements for private road subdivisions.*~~
- ~~(1) *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~
- ~~(2) *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right of way width of sixty-six (66) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision~~

~~documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~

~~(3) *Sidewalks.* Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~

~~(4) *Size of lots.* Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~

~~(5) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.~~

~~(6) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~

~~(d) *Legal documents required.* An applicant for a subdivision of heir property shall submit:~~

~~(1) A copy of the certificate of appointment from the probate court.~~

~~(2) A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~

~~(3) A copy of the will, if there is one.~~

~~(4) The necessary legal documents that:~~

~~a. Clearly provide permanent access to each lot.~~

~~b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~

~~c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

~~(5) A "Hold Harmless Agreement" as to Richland County.~~

~~All legal documents shall be provided in a form acceptable to the county legal department.~~

Sec. 26-224. Private road subdivisions.

(a) *Purpose.* It is the intent and purpose of this section to furnish a means of subdividing property in the RU zoning district of the county without incurring the costs associated with major subdivisions.

(b) *Applicability.* The provisions of this section shall only apply to the RU (Rural) zoning district.

(c) *Special requirements for private driveway subdivisions.*

- (1) *Review.* Subdivision of property for a private road subdivision is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.
 - (2) *Roads.* Roads within a private road subdivision shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads within a private road subdivision shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of sixty-six (66) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.
 - (3) *Sidewalks.* Private road subdivisions shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.
 - (4) *Size of lots.* Any and all lots created in a private road subdivision shall conform to the RU zoning district's requirements.
 - (4) *Number of lots.* An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision.
 - (5) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.
 - (6) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.
- (d) *Legal documents required.* An applicant for a private road subdivision shall submit:
- (1) The necessary legal documents that:
 - a. Clearly provide permanent access to each lot.
 - b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
 - c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.
 - (5) A "Hold Harmless Agreement" as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department.

Secs. 26-225 – 26-250. Reserved.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the ____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Amend Chapter 26 to define all businesses referenced therein [pages 16-18]

Reviews

Richland County Council Request for Action

Subject: Amending Chapter 26 to define all businesses referenced therein.

A. Purpose

County Council is requested to consider a motion to amend Chapter 26 by defining all businesses referenced therein.

B. Background / Discussion

On April 5, 2011, a motion was made by the Honorable Norman Jackson, as follows:

“There shall be clear detailed definition of all businesses in the code and not subjected to any one persons discretion.”

In addition, Mr. Jackson stated his reason as being:

“Even though all denials are appealable to BOZA, it wastes much time and money for potential businesses. Having a specific definition will reduce that step.”

County Council forwarded this motion to the April D&S Committee for consideration and recommendation.

For purposes of identifying and classifying the uses and use types, as found in the Richland County Land Development Code (LDC), staff relies on section 26-22 for specific definitions, the North American Industry Classification System, United States Manual - 2002 Edition (NAICS) for guidance in interpretation, and the standard dictionary when specific words and phrases aren't defined in the LDC.

The definitions for the terms found in section 26-22 are tailored to address the intent of the local governing body and are specific in description.

The NAICS, which is used by businesses and governments in the United States, Canada, and Mexico, provides a more general description of the use types identified in the LDC. The uses (establishments) are grouped into the types of industries based on the activity in which they are primarily engaged. The term “primarily engaged” is often applied in categorizing the use types.

The terms and provisions of the LDC don't address each and every situation which the Planning Department deals with on a daily basis. Discretion and interpretation are needed to ensure that the intent of the LDC in regulating use and development is met. In situations where any staff member is determined to have erred in interpretation, there is a provision in which the decision can be appealed (to the Board of Zoning Appeals and subsequently to the circuit court).

It is staff's opinion that providing detailed definitions to all businesses in the LDC would essentially eliminate the use of the NAICS. It would also eliminate any discretion that staff has in reviewing

proposed uses and determining the most appropriate category. In addition the Business Service Center also utilizes the NAICS to identify businesses.

C. Financial Impact

None.

D. Alternatives

1. Direct staff to begin the process of defining all businesses referenced in Chapter 26.
2. Do not direct staff to amend Chapter 26.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: April 5, 2011

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning

Reviewed by: Amelia Linder

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: My recommendation for denial is based on the reason given by staff, to wit: “that providing detailed definitions to all businesses in the LDC would essentially eliminate the use of the NAICS. It would also eliminate any discretion that staff has in reviewing proposed uses and determining the most appropriate category.”

Planning

Reviewed by: Anna Fonseca

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The U.S. Census Bureau assigns one NAICS code to each establishment based on its primary activity (generally the activity that generates the most revenue for the establishment) to collect, tabulate, analyze, and disseminate statistical data describing the economy of the United States. The U.S. Census Bureau's NAICS classification codes are derived from information that the business establishment provided on surveys, census forms, or administrative records which is used throughout various governments and industries.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date: 4/21/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The development of detailed definitions for every business in the Code would be impractical, and not allow for discretion in determining the intent of the Code in regulating use and development.

Richland County Council Request of Action

Subject

Amending Chapter 26 to eliminate additional setback requirements [pages 20-25]

Reviews

Richland County Council Request for Action

Subject: Amending Chapter 26 to eliminate additional setback requirements

A. Purpose

County Council is requested to consider a motion to amend Chapter 26 that would eliminate additional setback requirements for certain entities.

B. Background / Discussion

On April 5, 2011, a motion was made by the Honorable Norman Jackson, as follows:

“The location or relocation of any entity in a commercial or industrial district shall be subjected to the required setbacks for that district only not the setback of the entity. Review the effect of separation of same or similar businesses and how it affects economic development.”

In addition, Mr. Jackson stated his reason as being:

“If a 400 ft setback was enforced in the Vista or Five Points in the city they would not enjoy their current success.”

County Council forwarded this motion to the April D&S Committee for consideration and recommendation.

The following uses would be affected:

Bars and other drinking places are allowed in the RC, GC, M-1, and LI districts with special requirements, including the following limitation:

- b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.

The amended ordinance would allow a bar or other drinking place to locate on the side property line with no setback at all, and/or to locate 25 feet from the front property line, and/or to locate 10 feet or 20 feet from the rear property line, even if there is another drinking bar in close proximity.

** It should also be noted that according to section 17-269 of the City of Columbia land development code, the separation requirement (400 feet) between drinking places located within the jurisdictional boundaries of the City of Columbia is the same as that of Richland County. Many of the existing drinking places within the City of Columbia have been determined by the City of Columbia’s Zoning Administrator to be nonconforming.

Bed and breakfast homes/inns are allowed in the RU, RR, RM-MD, RM-HD, OI, NC, RC, and GC districts with special requirements, including the following limitation:

- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn.

The amended ordinance would allow a bed and breakfast home/inn to locate on the side property line with no setback, and/or to locate 25 feet from the front property line, and/or to locate 10 feet (or 20 feet, depending on the zoning district) from the rear property line in the NC, RC and GC districts.

Sexually oriented businesses are allowed in the GC and HI districts with special requirements, including the following limitation:

- 3. 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 care center or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a public park.
- 4. A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.

The amended ordinance would allow a sexually oriented business to locate on the side property line with no setback, and/or to locate 25 feet from the front property line, and/or to locate 10 feet from the rear property line, even if there is another sexually oriented business in close proximity.

C. Financial Impact

None.

D. Alternatives

- 1. Approve the Ordinance and eliminate additional setback requirements for bars and other drinking places, bed and breakfast homes, and sexually oriented businesses; and send the ordinance to the Planning Commission for their recommendation.
- 2. Approve an amended Ordinance, at the discretion of County Council; and send the ordinance to the Planning Commission for their recommendation.
- 3. Do not approve the ordinance and leave the current setback requirements in place.

E. Recommendation

This request is at Council's discretion.

Recommended by: Honorable Norman Jackson

Date: April 5, 2011

F. Approvals

Finance

Reviewed by Daniel Driggers:

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning

Reviewed by: Amelia Linder

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is at the discretion of County Council.

Planning

Reviewed by: Anna Fonseca

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The code identifies **Bed and breakfast homes/inns, Sexually oriented businesses and Bars and other drinking places** as the only uses which require a separation from similar uses. The Bed and Breakfast homes/inns are primarily allowed in residential and neighborhood districts; having businesses of similar uses without a separation can potential transform neighborhood homes into businesses. Parking, noise and traffic become major issues. The purpose and findings subsection identified under the Sexually Oriented Businesses specifically states its purpose “..to promote health, safety, morals and general welfare to establish reasonable and uniform regulations to prevent or reduce to any extent the secondary effects of these types of businesses”. The setback requirement minimizes the secondary effects of these types of businesses. Bars and other drinking places are allowed in the general and rural commercial districts, M-1 and light industrial districts. Some cities have documented an increase in complaints from residents surrounding the general or rural commercial districts with regard to parking, loud music, vagrants and crime. However, many economically challenged jurisdictions have incentivized bars and restaurants to locate in close proximity to each other to attract larger number of patrons, utilize empty parking garages and parking lots during off peak hours.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I would not recommend that the county change its set back standards for Sexually Oriented Businesses without the benefit of evaluating the effect that such a change would have on the county’s ordinance and enforcement.

In addition, the county’s SOB ordinance has been determined by the SC Supreme Court to be constitutional. Therefore, I would not recommend that the county change anything regarding the setback standards for SOB’s.

Administration

Reviewed by: Sparty Hammett

Date: 4/21/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As indicated by the Planning Director’s comments, there are planning-related reasons for separating the similar uses of bed and breakfast

homes/inns, sexually oriented businesses, and bars/other drinking places. Clustering these establishments together can result in negative impacts, for neighborhoods or other businesses.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

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; SO AS TO DELETE CERTAIN SETBACK REQUIREMENTS FOR BARS AND OTHER DRINKING PLACES, BED AND BREAKFAST HOMES/INNS, AND SEXUALLY ORIENTED BUSINESSES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (8), Bars and Other Drinking Places; Subparagraph b.; is hereby amended to read as follows:

- b. Lots used for drinking places shall be located no closer than ~~four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than~~ six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.

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 (10), Bed and Breakfast Homes/Inns; Subparagraph b.; is hereby deleted in its entirety and the remaining subparagraphs shall be renumbered accordingly.

- ~~b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn.~~

SECTION III. 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 (65), Sexually Oriented Businesses; Subparagraph d., Location of Sexually Oriented Businesses; Clause 4. is hereby deleted in its entirety and the remaining clauses shall be renumbered accordingly.

- ~~4. A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.~~

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 _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Item# 4

Attachment number 1
Page 5 of 6

ATTEST THIS THE _____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Amending the Richland County Code of Ordinances to address environmental issues [pages 27-28]

Reviews

Richland County Council Request for Action

Subject: Amending the Richland County Code of Ordinances to address environmental issues

A. Purpose

County Council is requested to consider a motion to amend various sections within the Richland County Code of Ordinances to address concerns affecting the environment.

B. Background / Discussion

On April 5, 2011, a motion was made by the Honorable Bill Malinowski, as follows:

“That building requirements relating to environmental issues will require regulations for areas of pollution that don’t appear to be considered currently, to include but not limited to: Light pollution based on the amount of lights and time a facility will use them, run off pollution from additional vehicle contaminants, lawn chemical use, and other household activities that may have a negative effect on drinking aquifers supplying wells, ozone pollution due to additional vehicle traffic created by the development, and that sewer extensions be considered regarding the negative effect they will have on residents with septic systems who would be required to hook up to public sewer in the event of a malfunction vs. having it repaired/replaced.”

Due to the numerous changes that would need to be made throughout the Code of Ordinances, staff recommends that this request be sent to the Development Round Table for review and recommendation.

C. Financial Impact

None.

D. Alternatives

1. Send this request to the Development Round Table for recommendations.
2. Direct staff to identify the various Code provisions that would need to be amended and then draft an ordinance (or ordinances) to address these issues.
3. Do not approve this request and leave current requirements in place.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Bill Malinowski

Date: April 5, 2011

F. Approvals

Item# 5

Attachment number 1
Page 1 of 2

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Based on the ROA, there is no financial impact therefore this is left to Council discretion

Planning

Reviewed by: Amelia Linder

Date: 4/15/11

Recommend Council approval

 Recommend Council denial

Comments regarding recommendation: I recommend that this request be sent to the Development Round Table, which will meet in October.

Planning

Reviewed by: Anna Fonseca

Date: 4/15/11

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend the request be sent to the Development Round Table for further review and recommendation.

Legal

Reviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, if the county moves forward in these areas there may need to be additional legal research done to insure that we are not preempted in these areas by state law.

Administration

Reviewed by: Sparty Hammett

Date: 4/19/11

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend that the request be sent to the Development Roundtable for review.

Richland County Council Request of Action

Subject

Animal Care Ordinance Revisions [pages 30-49]

Reviews

Richland County Council Request of Action

Subject: Animal Care Ordinance Revisions

A. Purpose

Council is requested to approve several ordinance revisions relating to Animal Care for consistency, improved enforcement efforts, animal housing, shelter operations, and other related matters.

B. Background / Discussion

The County and City have co-located animal services into one facility for the efficiency of operations, and to provide streamlined services for customers that will, among other items, expedite the redemption of lost pets and increase adoptions.

According to the Intergovernmental Agreement (IGA) between the County and City, the City's policies and ordinances shall apply to any and all operations of the Animal Shelter. The section of the IGA regarding shelter policies is enclosed below for your convenience.

3. Shelter Policies. The City's policies and ordinances, as may from time to time be amended, will apply to any and all operations of the Animal Shelter, including but not limited to the disposition of animals received at the Animal Shelter, adoption, redemption and spay/neuter, which are listed by way of illustration and not limitation. Prior to any change of Animal Shelter policies relating to animal care management, the City Manager and the County Administrator will confer as to the proposed change and mutually agree to the change before such policy is adopted and implemented by the City.

Currently, there are differences between the City and County's animal care ordinances. These differences sometimes cause conflicts with animal redemptions and other matters, and confusion amongst unincorporated Richland County and City of Columbia residents. Amending the County's ordinance to reflect the language in the City's ordinance in certain sections will allow smoother day-to-day operations for both entities, and will provide a clearer understanding of the animal care ordinance for Richland County citizens.

Council directed the Joint County – City Animal Care Subcommittee (established by the aforementioned IGA) to review the proposed ordinance amendments relating to shelter operations, as well as the following motion submitted by Council members Malinowski and Kennedy:

Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled

breeding facilities or a facility for the collection of strays and unwanted animals.

The Subcommittee met, and respectfully submits its recommendations in the form of the amended ordinances (attached), as well as the recommendations below.

Specific recommendations regarding the motion by Council Members Malinowski and Kennedy are as follows:

1. The Subcommittee does **not** recommend placing a restriction on the number of animals a person in unincorporated Richland County may have. Information obtained by Richland County staff from the top 10 largest SC counties, in addition to Richland County, indicated that **none** of the counties have limits regarding the number of animals a homeowner can have. (Staff contacted the following counties: Berkeley, Charleston, Dorchester, Greenville, Horry, Lexington, Orangeburg, Spartanburg, Sumter, and York.) Per the Subcommittee, various municipalities, including the City of Columbia, place a restriction on the number of animals a person may have, but this is **not** a common practice for counties, as staff's research supports. **Again, the Subcommittee does not recommend placing a restriction on the number of animals a person in unincorporated Richland County may have. However, the Subcommittee recommends the addition of the ordinance language regarding the pet fancier license and pet breeder license to address this issue.** (Sections 5-1 and 5-2, Version #2)
2. Regarding the sale of pets, the following counties have the same, or very similar, restrictions as Richland County: Berkeley, Charleston, Dorchester, Greenville, Lexington, and York. The following counties' ordinances placed no restrictions on the sale of pets: Horry, Orangeburg, Spartanburg, and Sumter. **The Subcommittee recommends the addition of the ordinance language regarding the pet fancier license and pet breeder license to address this issue.** (Sections 5-1 and 5-2, Version #2)
3. Please note that the Richland County Animal Care Department currently enforces animal cruelty items under the current Animal Care Ordinance, and would continue to have this enforcement mechanism via the proposed ordinance amendments. (Meaning, if a location is found to have "uncontrolled breeding facilities" or is a "facility for the collection of strays and unwanted animals," in which cruelty is noted, enforcement shall occur.)

Two versions of the ordinance are attached for your convenience. One version (Version #1) solely contains the items related to the IGA between the County and City. This ordinance aligns the County's ordinance with the City's ordinance with regards to any and all operations of the Animal Shelter. The second version (Version #2) contains the aforementioned revisions per the IGA, as well as the revisions addressing the motion by Council Members Malinowski and Kennedy.

C. Financial Impact

Revisions to the animal care ordinance are not expected to have any significant financial impact. The pet fancier license and pet breeder license will bring in additional revenue, but to what extent is currently unknown.

D. Alternatives

1. Adopt the animal care ordinance revisions solely related to the IGA. (Version #1)
2. Adopt the animal care ordinance revisions containing both IGA-related items, as well as items addressing the motion by Council Members Malinowski and Kennedy. (Version #2)
3. Amend and adopt either Version #1 or Version #2.
4. Leave the ordinance as currently written.

E. Recommendation

It is recommended that Council approve the animal care ordinance revisions related to the IGA (Version #1). The ordinance revisions related to the motion by Council Members Malinowski and Kennedy are a policy decision of Council.

Recommended by: Sandra Haynes, Animal Care Director, and Louise Emmott, Chair, Richland County – City of Columbia Animal Care Subcommittee

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, the county may be asked to address questions are concerns regarding the requirement that citizens with 5 animals pay a fee for a license as opposed to citizens with 4 animals or less.

Administration

Reviewed by: Roxanne Ancheta

Date: April 21, 2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the animal care ordinance revisions related to the IGA (Version #1). The ordinance revisions related to the motion by Council Members Malinowski and Kennedy are a policy decision of Council.

Numerous discussions have been held with the Legal Department regarding this matter. A plethora of research and justification regarding the recommended revisions, especially regarding the pet fancier license, has also been shared with Legal in an effort to address their concerns. Staff consulted numerous jurisdictions across the nation in an effort to provide even further “justification” to Legal for the recommendations. Legal did not provide a recommended number when asked directly by staff how we should address their concerns regarding the number of animals for the fancier license. (ie, 5 pets versus 4 pets; 10 pets versus 9 pets; 15 pets v. 14 pets, etc. as referenced in Legal’s comments)

At this time, staff has addressed Legal’s issues to the best of our ability.

The pet fancier license and breeder license are proposed as a result of a motion by Council Members Malinowski and Kennedy, as well as in an effort to respond to concerns of pet overpopulation, and hoarding prone behavior, which are public health and safety concerns.

The concept of requiring a pet fancier license and breeder license with a fee is built upon the premise that by adding more regulations, we would be able to foster a more conscious effort toward responsible pet ownership and accountability, and promote greater public health and safety. We are of the opinion that a reasonable person that is faced with an added fee for a certain number of animals or intentional pet breeding behavior would seriously consider the consequences and responsibility that comes along with that option.

A fancier is defined by Merriam-Webster's Dictionary as "one that has a special liking or interest." Therefore, a pet fancier would be one that would have a special liking or interest in pets. We decided to measure this "special liking or interest" by the number of pets that are owned, as is a standard practice for jurisdictions with fancier licenses.

Using this metric, a "special liking or interest" would correlate to a number of pets being owned greater than the average number of pets per U.S. household. The pet ownership number of **5** was chosen as the threshold based on information obtained from the Humane Society of the United States (HSUS). The research was conducted by the American Pet Products Association of America (APPA) and published in their 2009 – 2010 National Pet Owners Survey.

The average household in the U.S. is reported to have **1.7** dogs and **2.45** cats. These two figures total **4.15** dogs and cats per household. Using our rationale, this would suggest that a household with more than **4.15** total pets would be exhibiting fancier tendencies. In order to allow more leniency and to use whole numbers only, it was determined to round up to the nearest whole number. This would be a total of **5** pets.

If Legal can recommend a solution to address their concerns, staff is amenable to their direction.

VERSION #1

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 5, ANIMALS AND FOWL, SO AS TO CLARIFY SECTIONS DEALING WITH AUTHORITY OF OFFICERS, CONDITIONS OF IMPOUNDMENT, REDEMPTION OF ANIMALS AND OWNER RESPONSIBILITIES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-1, Definitions; is hereby amended to read as follows:

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Abuse shall mean the act of any person who deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal care officer shall mean any person employed by the county to enforce the animal care program.

~~*Animal shelter*~~ *Animal care facility* shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Shelter shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for entry and exit and a floor so as to protect the pet from the elements of weather.

Under restraint shall mean an animal that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or an animal that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

SECTION II. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-2, Differential county license fees; rabies vaccination tags, is hereby amended to read as follows:

Sec. 5-2. Differential county pet license fees; rabies vaccination tags.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6)~~ four (4) months of age with a current county pet license tag. The owner of any pet over ~~six (6)~~ four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county pet license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The animal care department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has their animal tattooed may register the tattoo number with the animal care department in addition to obtaining a tag.

SECTION III. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-3. Exemptions from differential licensing.

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;
- (2) Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events; ~~or~~
- ~~(3) Any owner of a dog that is currently being used for hunting purposes and is properly registered with the South Carolina Wildlife Department the South Carolina Department of Natural Resources and whose owner has a valid South Carolina hunting license.~~

(b) Any ~~individual who is handicapped, and who owns a dog which is being used for seeing, hearing or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county animal care department shall ~~obtain~~ maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

SECTION IV. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-5. Running at large – restraint.

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, ~~or~~ lure courses, and other events similar in nature, shall not be considered "at large."

(c) If an animal care officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal onto private property; provided, however, that the officer shall

not pursue the animal into a fenced yard or private dwelling. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint.

SECTION V. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-7, Injured or diseased pets; is hereby amended to read as follows:

Sec. 5-7. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall notify the county animal care department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal ~~shelter care facility~~ in critical condition from wounds, injuries, or disease ~~may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section,~~ may be humanely destroyed if the owner cannot be contacted within ~~five~~ two (5 2) hours. If the pet is in severe pain it may be destroyed immediately.

SECTION VI. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-13, Impounding; is hereby amended to read as follows:

Sec. 5-13. Impounding.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The animal care ~~department~~ facility may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Animals impounded at the animal care facility, which are deemed by the superintendent of animal services, or his/her designee, to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county animal care department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal shelter.

(c) The county may transfer title of all animals held at its animal shelter after the legal detention period has expired and its owner has not claimed the animal.

~~(d) Immediately after impounding a pet that is wearing a rabies tag, a county license tag, or another identification tag, or a pet that has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflecting its disposition. A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license or tag or rabies vaccination tag pursuant to section 5-2; or a traceable registration number, tattoo or microchip pursuant to S.C. Code Ann. 47-3-510 (Supp. 1999).~~

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by regular mail and registered mail that the animal has been impounded. The owner

has 14 days from the date of mailing to contact the animal care facility for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees or other charges. If the owner does not make contact within 14 days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care department. For animals impounded at the animal care facility, the superintendent of animal services, or his/her designee, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code Ann. 47-3-540 (Supp. 1999).

Notwithstanding the above, animals impounded at the animal care facility, which are deemed by the superintendent of animal services, or his / her designee, to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(e) Any animal found "at large" may be impounded by the animal care officer and may not be redeemed by its owner unless such redemption is authorized by the county animal care department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal surrendered to the animal shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

(g) It shall be unlawful for any person to furnish false information on the animal surrender forms.

SECTION VII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-14, Redemption; is hereby amended to read as follows:

Sec. 5-14. Redemption.

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of a fee as follows:

- (1) For a pet that has been properly inoculated, licensed, microchipped, and neutered or spayed, the fee shall be \$10.00.
- (2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, ~~the cost of microchipping the pet~~ a \$20.00 microchipping fee, and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted from the shelter. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (2) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) - (2) when the animal has been impounded a second time for any violation of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of ~~seven~~ six dollars (~~\$7~~6.00) per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

SECTION VIII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-15, Adoption; is hereby amended to read as follows:

Sec. 5-15. Adoption.

(a) Any animal impounded under the provisions of this chapter may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) ~~All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies.~~ Any adult pet surrendered to the shelter may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) Fees for the adopted pets will be the same as those established for the redemption of impounded pets, together with a reasonable fee for microchipping.

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

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

SECTION XI. Effective Date. This ordinance shall be effective from and after _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

Michelle M. Onley
Assistant 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:

VERSION #2

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 5, ANIMALS AND FOWL, SO AS TO CLARIFY SECTIONS DEALING WITH AUTHORITY OF OFFICERS, CONDITIONS OF IMPOUNDMENT, REDEMPTION OF ANIMALS AND OWNER RESPONSIBILITIES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-1, Definitions; is hereby amended to read as follows:

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Abuse shall mean the act of any person who deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal care officer shall mean any person employed by the county to enforce the animal care program.

Animal shelter Animal care facility shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Pet breeder shall mean any person within the unincorporated areas of Richland County who having the responsibility for pets, permits the whelping of more than one litter of cats/dogs within a twelve (12) month period. A veterinarian providing services within a veterinarian client-patient relationship, and no ownership interest in the animals, is not included.

Fancier shall mean anyone who owns five (5) or more pets.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Shelter shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for entry and exit and a floor so as to protect the pet from the elements of weather.

Under restraint shall mean an animal that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or an animal that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

SECTION II. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-2, Differential county license fees; rabies vaccination tags, is hereby amended to read as follows:

Sec. 5-2. Differential county pet license fees; rabies vaccination tags; pet fancier license fees; pet breeder license fees.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6)~~ four (4) months of age with a current county pet license tag. The owner of any pet over ~~six (6)~~ four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county pet license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The animal care department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has

their animal tattooed may register the tattoo number with the animal care department in addition to obtaining a tag.

(d) It shall be unlawful for a fancier to fail to obtain a county pet fancier license. The requirements for such a license are as follows:

- (1) A fancier is required to obtain a county pet fancier license.
- (2) The Animal Care Department, through its employee(s), will conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. Subsequent permittance to inspections upon request by the Animal Care Department is expressed and understood as a condition of holding a valid and current pet fancier license.
- (3) During an inspection, an animal care officer will be looking for the following:
 - (a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (b) The location of all pet enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.
 - (d) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (4) The fee for a county pet fancier license shall be one hundred dollars (\$100.00) annually. The license shall expire one (1) year after the date of issue.
- (5) In addition to the pet fancier license fee, a fancier is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section. So that there is the requirement of one (1) county pet fancier license per fancier in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months.

(e) It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (1) A person that intends to or allows the whelping of more than one (1) litter per calendar year must obtain a county pet breeder license from the Animal Care Department. Additionally, individuals engaged or intending to engage in breeding as a business, occupation, or profession must submit a completed application for and obtain a separate business license through the County's Business Service Center.

- (2) First time applicants must have all pets that have reached the age of four (4) months, currently licensed with a County pet license, before applying for the breeder license.
- (3) The Animal Care Department, through its employee(s), will conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. Subsequent permittance to inspections upon request by the Animal Care Department is expressed and understood as a condition of holding a valid and current pet breeder license.
- (4) During an inspection, an animal care officer will be looking for the following:
- (a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
- (b) The location of all pet enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
- (c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.
- (d) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within (5) years of the date of application.
- (6) License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.
- (7) A pet breeder license is not transferrable to another person or location.
- (8) The fee for a county pet breeder license shall be two hundred and fifty dollars (\$250.00) annually. The license shall expire one (1) year after the date of issue.
- (9) Any violations found under the provisions of this Chapter may be grounds for the suspension of the pet breeder license if deemed necessary by the Animal Care Department. Re-instatement shall be determined on a case by case basis.

(a.) The pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.

(10) In addition to the pet breeder license fee, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section. So that there is a requirement of one (1) pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in their custody.

SECTION III. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-3. Exemptions from differential licensing.

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;
- (2) Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events; ~~or~~
- ~~(3) Any owner of a dog that is currently being used for hunting purposes and is properly registered with the South Carolina Wildlife Department the South Carolina Department of Natural Resources and whose owner has a valid South Carolina hunting license.~~

(b) Any ~~individual who is handicapped, and who owns a dog which is being used for seeing, hearing or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county animal care department shall ~~obtain~~ maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

SECTION IV. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-5. Running at large – restraint.

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, ~~or~~ lure courses, and other events similar in nature, shall not be considered "at large."

(c) If an animal care officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal onto private property; provided, however, that the officer shall not pursue the animal into a fenced yard or private dwelling. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint.

SECTION V. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-7, Injured or diseased pets; is hereby amended to read as follows:

Sec. 5-7. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall notify the county animal care department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal ~~shelter~~ care facility in critical condition from wounds, injuries, or disease ~~may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section,~~ may be humanely destroyed if the owner cannot be contacted within ~~five~~ two (2) hours. If the pet is in severe pain it may be destroyed immediately.

SECTION VI. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-13, Impounding; is hereby amended to read as follows:

Sec. 5-13. Impounding.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The animal care ~~department~~ facility may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Animals impounded at the animal care facility, which are deemed by the superintendent of animal services, or his/her designee, to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county animal care department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal shelter.

(c) The county may transfer title of all animals held at its animal shelter after the legal detention period has expired and its owner has not claimed the animal.

~~(d) Immediately after impounding a pet that is wearing a rabies tag, a county license tag, or another identification tag, or a pet that has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflecting its disposition. A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license or tag or rabies vaccination tag pursuant to section 5-2; or a traceable registration number, tattoo or microchip pursuant to S.C. Code Ann. 47-3-510 (Supp. 1999).~~

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by regular mail and registered mail that the animal has been impounded. The owner has 14 days from the date of mailing to contact the animal care facility for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees or other charges. If the owner does not make contact within 14 days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care department. For animals impounded at the animal care facility, the superintendent of animal services, or his/her designee, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code Ann. 47-3-540 (Supp. 1999).

Notwithstanding the above, animals impounded at the animal care facility, which are deemed by the superintendent of animal services, or his / her designee, to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(e) Any animal found "at large" may be impounded by the animal care officer and may not be redeemed by its owner unless such redemption is authorized by the county animal care department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal surrendered to the animal shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

(g) It shall be unlawful for any person to furnish false information on the animal surrender forms.

SECTION VII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-14, Redemption; is hereby amended to read as follows:

Sec. 5-14. Redemption.

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of a fee as follows:

- (1) For a pet that has been properly inoculated, licensed, microchipped, and neutered or spayed, the fee shall be \$10.00.
- (2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, ~~the cost of microchipping the pet~~ a \$20.00 microchipping fee, and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted from the shelter. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (2) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) - (2) when the animal has been impounded a second time for any violation of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of ~~seven~~ six dollars (\$~~76~~.00) per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

SECTION VIII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-15, Adoption; is hereby amended to read as follows:

Sec. 5-15. Adoption.

(a) Any animal impounded under the provisions of this chapter may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) ~~All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies.~~ Any adult pet surrendered to the shelter may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) Fees for the adopted pets will be the same as those established for the redemption of impounded pets, together with a reasonable fee for microchipping.

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

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

SECTION XI. Effective Date. This ordinance shall be effective from and after _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Right of Way Abandonment for Old Clarkson Road [pages 51-58]

Reviews

Richland County Council Request of Action

Subject: Right of Way Abandonment for Old Clarkson Road

A. Purpose

County Council is requested to support the proposed Right of Way abandonment of a portion of Old Clarkson Road from TMS #021613-02-06 to the intersection of Clarkson Road.

B. Background / Discussion

Richland County Public Works was contacted by Cox and Dinkins, consulting engineering firm, about the expansion of the New Jerusalem Baptist Church on Old Clarkson Road at the intersection of Clarkson Road. Jerusalem Baptist Church owns the property on both sides of Old Clarkson Road, where the road and right of way abandonment will occur. The expansion would entail the building of a new sanctuary and associated features. This would abandon approximately 750 feet of road and right of way from TMS# 021613-02-06 to the intersection of Clarkson Road. Once the road and right of way are abandoned, a cul-de-sac would be installed at the end of Old Clarkson Road and would lead into Jerusalem Baptist Church. Public Works has received letters of approval from all existing residents who live on Old Clarkson Road

C. Financial Impact

There is no financial impact to the County for this Road and Right of Way abandonment.

D. Alternatives

1. Approve the request to abandon a portion of Old Clarkson Road and Right of Way.
2. Do not approve the request to abandon a portion of Old Clarkson Road and Right of Way.

E. Recommendation

It is recommended that County Council approve the request to abandon a portion of Old Clarkson Road and Right of Way.

Recommended by: David Hoops, P.E. Department: Public Works Date: April 7, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

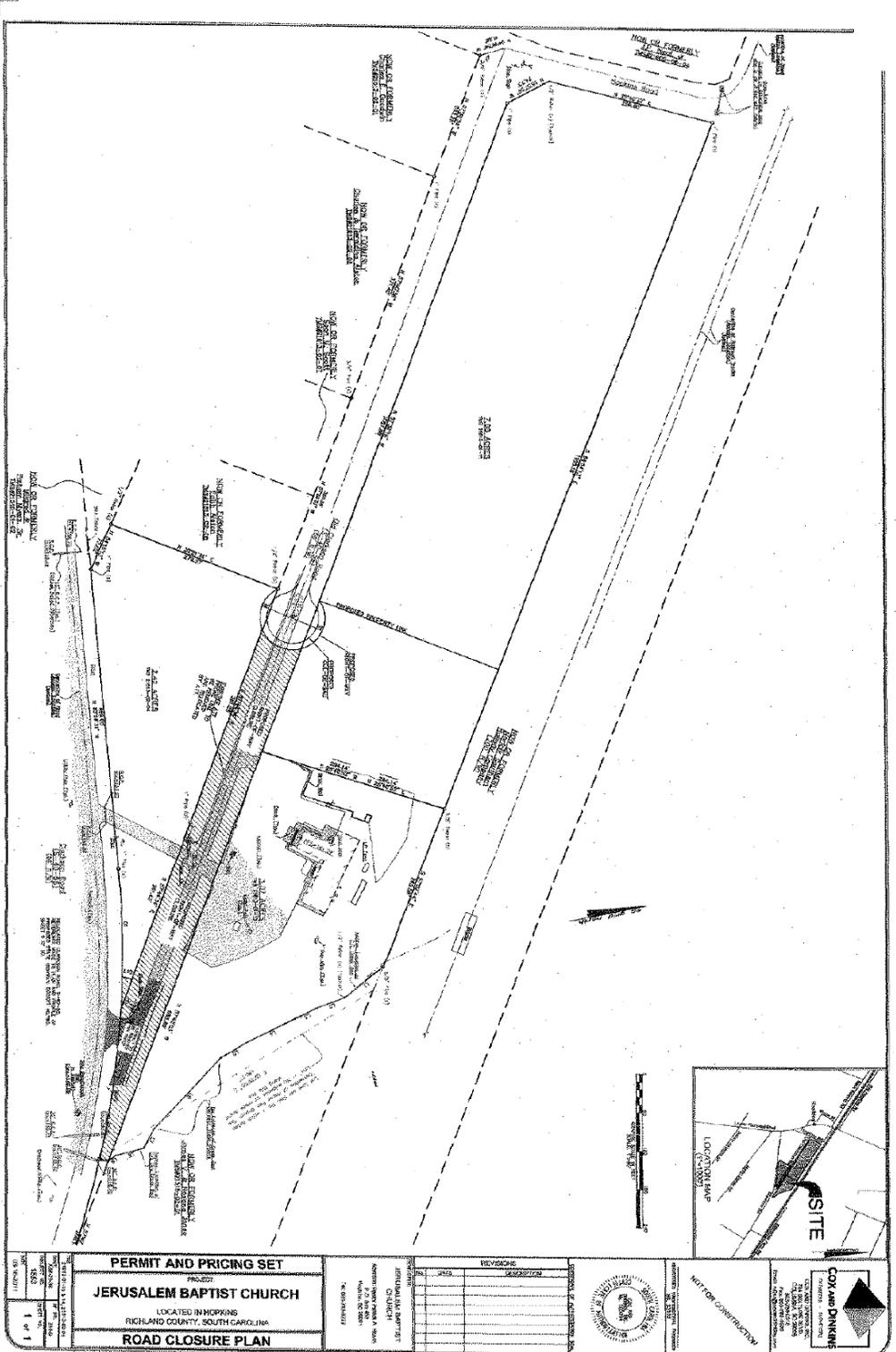
Reviewed by: Sparty Hammett

Date: 4/19/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to abandon a portion of Old Clarkson Road and Right of Way.



PERMIT AND PRICING SET PROJECT: JERUSALEM BAPTIST CHURCH LOCATED IN HOPKINS RICHLAND COUNTY, SOUTH CAROLINA ROAD CLOSURE PLAN		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION											NOT FOR CONSTRUCTION
NO.	DATE	DESCRIPTION														

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 116 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 783.8385.

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Item# 7

Attachment number 1
Page 5 of 8

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

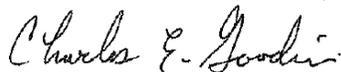
Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 104 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at (803) 783-4542

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 124 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-397-6468

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 130 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-708-1048

Sincerely,

cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Richland County Council Request of Action

Subject

Smoking Ban Ordinance Amendment-"Reasonable Distance" [pages 60-63]

Reviews

Richland County Council Item for Action

Subject: Smoking Ban Ordinance Amendment – “Reasonable Distance”

A. Purpose

Council is requested to consider the Motion made by Honorable Councilmember Manning at the Council meeting of April 5, 2011 which reads, “**Ban smoking within a specified distance from a main entrance of a business or public building.**”

B. Background / Discussion

During the Motion Period in the Council Meeting of April 5, 2011, Honorable Councilmember Manning made a motion to “Ban smoking within a specified distance from a main entrance of a business or public building.”

The current smoking ban ordinance language relating to this issue, Section 18-6(g) reads as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means.

Specifying a distance from a work space within which no smoking shall occur will also help protect employees and the general public from having to walk through second-hand smoke in order to enter or exit a business or other work area.

While most municipalities in Richland County with smoking ban ordinances in place use the “reasonable distance” language (Blythewood is the sole exception, which specifies a ten foot distance), municipalities in Lexington County with smoking ban ordinances in place include a specific distance, ten (10) feet.

Richland County’s policy, for its public buildings, states that smoking is prohibited within twenty feet (20’) of any entrance, public access points, or air intakes.

On April 13, via email, the Honorable Mr. Manning notified staff that he knows that Aiken, Lexington, and York Counties have distance specifications, and that the average from these jurisdictions is fifteen (15) feet. In addition, per Mr. Manning, fifteen (15) feet is the minimum distance as recommended in a model ordinance promulgated by the ANR (Americans for Nonsmokers’ Rights).

A draft ordinance is attached that would use this distance of 15’ in amending Section 18-6 (g).

C. Financial Impact

None.

D. Alternatives

1. Amend the smoking ban ordinance as recommended to specify that no smoking shall occur within fifteen (15) feet of any entrance or air intakes.
2. Amend the smoking ban ordinance to specify a different distance. Greater distances will provide greater protections to employees and the general public, but lesser distances will be less of a restriction on business operations.
3. Do not amend the smoking ban ordinance at this time.

E. Recommendation

It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15' smoking distance from doors and air intakes.

Recommended by: Pam Davis **Department:** Business Service Center **Date:** 4-11-11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Roxanne M. Ancheta

Date: April 20, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15' smoking distance from doors and air intakes.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___ - 11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-6, SMOKING OF TOBACCO PRODUCTS; SUBPARAGRAPH (G), REASONABLE DISTANCE; SO AS TO PROHIBIT SMOKING WITHIN TWENTY (20) FEET OF A DOOR USED AS AN ENTRANCE TO OR EXIT FROM AN ENCLOSED AREA WHERE SMOKING IS PROHIBITED.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (g); is hereby amended to read as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means. In addition, smoking is prohibited within fifteen (15) feet of any door used as an entrance to or exit from an enclosed area where smoking is prohibited and from any air intake, so as to ensure that tobacco smoke does not enter through the entry and to help protect employees, the general public, and others from having to walk through tobacco smoke in order to enter or exit a business or other work area. This distance shall be measured from the center of the door in question.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

Item# 8

Attachment number 1
Page 3 of 4

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Summit Parkway Sidewalk Project [pages 65-69]

Reviews

Richland County Council Request of Action

Subject: Summit Parkway Sidewalk Project

A. Purpose

County Council is requested to support the Summit Parkway Sidewalk Project.

B. Background / Discussion

In 2010, The Summit Commons commercial development was constructed at the intersection of Hardscrabble Road and Summit Parkway. With this development, a right turn lane was constructed on Summit Parkway to access the development off of Summit Parkway. With the installation of the right turn lane, pedestrian access was cut off from Summit Hills Circle down to the entrance of the Summit Commons Development, which then leads to Rice Creek Elementary and Ridgeview High School. When Public Works became aware of this situation, we were prepared to correct it at the full cost to the County. While Public Works was reviewing the situation, Public Works was contacted by the Summit Homeowners Association and asked if we could install a sidewalk on this section of Summit Parkway and split the construction in a 50/50 cost share. The Homeowners association would be responsible for relocating all irrigation and lighting and the associated features. Public Works would be responsible for preparing the plans and specs and would bid the construction of the sidewalk out under the Counties' procurement code. An IGA has been created and will be signed off on by both entities detailing the cost share and what each party is responsible for.

C. Financial Impact

The estimated construction cost is approximately \$40,000 and would be split evenly between Richland County and the Summit Homeowners Association. This equates to approximately \$20,000 per entity.

D. Alternatives

1. Approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.
2. Do not approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.

E. Recommendation

It is recommended that County Council approve the Summit Parkway Sidewalk Project with a cost share with the Summit Homeowners Association.

Recommended by: David Hoops, P.E. Department: Public Works Date: April 7, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a funding decision at Council’s discretion. The Financial section states that the cost to the County would be \$20k but no funding source is identified. Therefore approval would require the identification of a funding source and may require a budget amendment.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, if the county decides to participate in this project, I would recommend that some agreement is entered into by the county with the Homeowners Association regarding liability and maintenance.

Administration

Reviewed by: Sparty Hammett

Date: 4/18/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the Summit Parkway sidewalk project with a cost share with the Summit Homeowners Association. The funding source for the County’s portion (\$20,000) would be existing project funds within Roads and Drainage current budget. In terms of an agreement regarding liability and maintenance referenced by the County Attorney, the project would be a County managed construction project within the County’s right-of-way.

A. The Association agrees to pay 50% of the total cost of construction within 30 days after receipt of written notification from the County.

B. The Association shall be responsible for all landscaping and irrigation that is adjacent to the sidewalk.

C. Prior to any construction work starting on the sidewalk, the Association agrees to be responsible for relocating the street lighting, any existing value boxes, and any trees and/or shrubs that the Association would like to keep, all of which is in proximity to the proposed sidewalk. Any trees and/or shrubs that remain, which would negatively impact the sidewalk, will be removed and disposed of during construction.

Section III – Limitations on Liability: The Association and its successors and assigns do hereby remise, release, acquit, and forever discharge Richland County, its employees, agents, successors, and assigns past, present, from future actions, causes of action, claims, demands, damages, costs, loss of services, expenses, compensation, third party actions, suits at law or indemnity of whatever nature, and all consequential damage on account of, or in any way arising from the services rendered under this Agreement, and further agrees to hold harmless and indemnify Richland County for any and all losses, claims, suits, and other liability arising from the services rendered under this Agreement. Specifically, the parties agree, as an essential condition of this Agreement, that the County shall have no liability as a result of the services provided hereunder or of the construction of the sidewalk.

Section IV – Warranties: The Parties hereto make no representations or warranties of any type, express or implied, except as specifically stated in this Agreement. Without limiting the foregoing, County explicitly disclaims any warranty regarding the services provided hereunder County specifically does not warrant that the products or services will increase safety or reduce the possibility of criminal activity. The warranties of merchantability and fitness for a particular purpose are specifically disclaimed.

Section V – Amendment: This Agreement may not be amended except by written agreement signed by an authorized representative of each Party.

Section VI – Representation: Each Party to the Agreement represents and warrants that it has full and complete authority to enter into and perform its respective obligations under this Agreement. Any person who executes this Agreement on behalf of any Party represents and warrants that he or she has full and complete authority to do so and that such represented Party shall be bound thereby.

Section VII – Covenants: This Agreement is an entire contract, each stipulation thereto being a part of the consideration for every other, and the terms, covenants, and conditions thereof inure to the benefit of and bind the successors and assigns of each of the parties hereto, as well as the parties themselves.

Section VIII – Entire Understanding: This Agreement contains the entire understanding of the Parties and supersedes all prior oral or written representation(s) concerning the subject matter hereof.

RICHLAND COUNTY

By: _____

(Print Name):

Title: _____

Date: _____

SUMMIT HOMEOWNERS ASSOCIATION

By: _____

(Print Name):

Title: _____

Date: _____

Richland County Council Request of Action

Subject

To adopt an ordinance banning texting while operating a motor vehicle [pages 71-75]

Reviews

Richland County Council Request for Action

Subject: To adopt an ordinance banning texting while operating a motor vehicle

A. Purpose

This request is, per Mr. Rose's motion, to adopt an ordinance (consistent with the City of Columbia's recently passed ordinance) banning texting while operating a motor vehicle.

B. Background / Discussion

During the Motion Period of the March 15, 2011, County Council meeting, Mr. Rose made the following motion:

In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent to the City of Columbia) banning texting while operating a motor vehicle.

The above referenced City of Columbia ordinance was used to create the attached ordinance. The language of the two ordinances is identical.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Adopt the ordinance banning texting while operating a motor vehicle.
2. Do not adopt the ordinance.
3. Adopt the ordinance with revisions.

E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean Department: Legal Date: 4/12/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, I would recommend that there be some coordination with the Sheriff's Dept. regarding any issues that they may have related to enforcement of this ordinance.

AdministrationReviewed by: J. Milton Pope

Date: 4-20-11

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: The matter of regulating texting while operating a motor vehicle is a Public Safety issue that requires the input of the Chief Law Enforcement agent of the County (Sheriff Lott). Administration has contacted the Sheriff's Department and asked that they provide a representative to provide their position on this pending policy matter.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY**

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SO AS TO PROHIBIT EMAILING OR TEXTING WHILE OPERATING A MOTOR VEHICLE.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of Sec. 17-13, to read as follows:

Sec. 17-13. E-mailing or text messaging on mobile device while operating a motor vehicle.

(a) It shall be unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways within the City.

(b) For the purposes of this section, the following definitions shall apply:

Hands-free wireless electronic communication device means an electronic device, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

Text-based communication means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

Wireless electronic communication device means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device, or a computer.

Driving or operating a motor vehicle means that the motor vehicle is moving or in motion.

(c) This section does not apply to a person who is:

- (1) lawfully parked or stopped;
- (2) using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;
- (3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;
- (4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;
- (5) summoning medical or other emergency assistance;
- (6) transmitting or receiving data as part of a digital dispatch system;
- (7) using a citizen's band radio; or
- (8) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties;

(d) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$100.00. The civil penalty is subject to all other applicable court costs, assessments, and surcharges, if any.

(e) A law enforcement officer must not:

- (1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways of the city;
- (2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;
- (3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or
- (4) make a custodial arrest for a violation of this section.

(f) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

SECTION II. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of the following language:

Secs. 17-14—17-17. 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 _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle Onley
Assistant Clerk of Council

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

Richland County Council Request of Action

Subject

Weekend directional signs [pages 77-78]

Reviews

Richland County Council Request of Action

Subject: Weekend directional signs

A. Purpose

To notify County Council that the ordinance that permitted weekend directional signs has now expired.

B. Background / Discussion

On July 21, 2009, Ordinance No. 039-09HR was enacted, which allowed weekend directional signs in the unincorporated areas of Richland County. Weekend directional signs were defined as:

“An off-premise sign not greater than twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.”

The ordinance included a sunset provision, as follows:

“This ordinance shall be effective from and after July 21, 2009, and shall automatically expire on July 21, 2010; provided, however, this ordinance may be amended by County Council to make the regulations herein permanent at any time prior to the expiration hereof.”

This sunset provision recently came to the Planning staff’s attention, and the permitting staff has now been instructed not to issue any weekend directional sign stickers. However, any company/business which has purchased stickers after the July 21, 2010 date will be allowed the continued use of their signs for one year from the date of issuance.

Planning staff would like to revise the language regarding weekend directional signs and take an ordinance to the Planning Commission in June of this year.

C. Financial Impact

None.

D. Alternatives

1. Direct staff to draft new language for weekend directional signs, and send an ordinance to the Planning Commission for their recommendation.
2. Direct staff to use the language of Ordinance No. 039-09HR, and send the ordinance to the Planning Commission for their recommendation.
3. Direct staff to take no action and continue the prohibition on weekend directional signs.

E. Recommendation

Direct staff to draft new language for weekend directional signs, and send an ordinance to the Planning Commission for their recommendation.

Recommended by: Geonard Price, Zoning Administrator

Date: 4/11/11

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning

Reviewed by: Anna Fonseca

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Draft new language for weekend directional signs and send it to the Planning Commission for their recommendation.

Planning

Reviewed by: Amelia Linder

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is at the discretion of Council/

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The ROA indicates that the purpose is to inform Council that the directional sign ordinance has expired and to have staff draft new language on directional signs.

No new language is proposed as a part of this ROA, therefore no opinion is provided regarding any new language.

In my opinion alternative three is not an option since the ordinance regulating this activity has expired and there is no ordinance which currently prohibits this activity.

If any business is going to be allowed the use of these directional signs for one year there needs to be some authority that authorizes them to do so.

Alternative three regarding prohibiting directional signs cannot be enforced because these signs has expired.

Administration

Reviewed by: Sparty Hammett

Date: 4/18/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of Alternative #1 - Direct staff to draft new language for weekend directional signs, and send an ordinance to the Planning Commission for their recommendation.

Richland County Council Request of Action

Subject

Change in Procedures for Collection of Yard Waste [pages 80-83]

Reviews

Richland County Council Request of Action

Subject: Change in Procedures for Collection of Yard Waste

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the March 15, 2011, Council Meeting regarding the curbside collection of yard waste in Richland County.

B. Background / Discussion

At the March 15, 2011, Council Meeting, Council Member Jim Manning introduced the following motion:

“I move that we change whatever is necessary so that the Talking Trash Booklet can read that Yard Trash will be picked up equivalent to 4 hoppers as opposed to 2 hoppers.”

Under the County's current solid waste collection procedures, the collectors pick up the equivalent of two rollcars of yard waste each week. Piles of yard waste that exceed this amount are picked up over multiple weeks until the piles are completely diminished. This procedure is included in the Solid Waste Ordinance as well as the contracts that the County has with the collectors.

While the County's solid waste collection service is an exceptional benefit to our citizens, with overwhelming customer satisfaction and relatively few complaints, staff is aware of and sensitive to the dissatisfaction that this procedure creates with some customers, particularly those who have large lawns and routinely place at curbside a large amount of yard waste for collection. It is clearly understood that many of the customer complaints concerning solid waste center around the fact that the collectors only pick up a portion of a large yard waste pile each week and it may take several weeks to completely diminish such a pile.

By the same token, however, staff would caution against changing the procedures in the middle of a contract term. The County's solid waste collectors have contracts with terms of five years each. The expiration date of each contract is as follows:

Area 1	All Waste	December 2013
Area 2	Waste Industries	December 2012
Area 3	Southland / Advanced	December 2014
Area 4	Waste Industries	December 2014
Area 5A	Ard's Sanitation	December 2013

Area 5B	Bruce Johnson	December 2013
Area 6	Southland / Advanced	December 2012
Area 7	Bruce Johnson	December 2013

If the collection procedure were to be changed in midstream, the Solid Waste Ordinance would have to be amended, as would the collection contracts, to account for the additional amount of yard waste to be collected. Perhaps even more significantly, the collectors would demand additional payment as their costs would likely increase significantly.

For these reasons, the staff recommends that the additional level of yard waste collection be incorporated, as an option for the Council’s consideration, into the procurement process as each contract comes up for renewal, renegotiation or rebid. In this way, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

C. Financial Impact

The financial impact to the County would be increased costs for solid waste collection due to a higher level of service being provided to the customers. The extent of the increased costs could only be determined after extensive negotiations with the solid waste collectors, which, at this point, has not yet occurred.

D. Alternatives

1. Approve the motion to move to a higher level of service with respect to the collection of yard waste in Richland County.
2. Direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid.
3. Continue the level of yard waste collection service as it exists today, i.e., the two rollcart equivalent.

E. Recommendation

By: Motion by Council Member Manning Date: March 15, 2011 Council Meeting

F. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 4/4/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is Council discretion. I would agree with the last paragraph of section B and recommend that additional

research and negotiation take place to determine the cost impact of the service change to the user fee and incorporate changes in service level as contracts are renewed.

Solid Waste

Reviewed by: Paul Alcantar Date: 4/12/2011
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: I agree with Mr. Driggers' comments. Prior to changing the Talkin' Trash booklet, an agreement for the change in service should be negotiated. Also this will take an ordinance change and a change to the hauler's contracts. In order to maintain consistency of service throughout the County, it may be best, if we do not implement the change until we have renegotiated with all of the haulers. Richland County currently provides free disposal of yard waste for Richland County citizens from their primary resident at the Richland County Landfill. We are currently investigating possible yard waste programs and have a containerized yard waste pilot program in place in Pine Valley/Kingswood Subdivision. Data from this pilot program may be instrumental in determining a more effective and efficient yard waste program for the County.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/15/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: At discretion of the county council. The agreements presently allows for removal of all containerized, bundled, bagged, and boxed yard waste and an equivalent of two roll carts of loose yard waste.

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion: However, I concur with the above referenced comments regarding re-negotiating the agreements as well determining what additional costs will be incurred by the constituents for this higher level of service.

Administration

Reviewed by: Tony McDonald Date: 4/15/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of Alternative #2 above, i.e., direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid. In this way, as stated above, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of

service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

Items Pending Analysis

Subject

- a. Curfew for Community Safety (Manning February 2010)
- b. Direct staff to coordinate with DHEC and SCDOT a review of traffic signal timing improvements and synchronization in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all businesses and residential construction that would cause a slowdown of traffic on the road servicing the facility (Malinowski-April 2010)
- c. Farmer's Market Update (D&S October 2010)
- d. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
- e. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
- f. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due to use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)
- g. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
- h. Off Ramp Lighting (Rose-February 2010)
- i. Council direct staff to address the proliferation of illegal signs in the County by involving Special Services Department or any other County departments to conduct a weekly Tuesday sign sweep along the most littered corridors of the County. All signs, except government and utility signs, in the right of way would be considered "litter" and disposed of by the County. In addition, I move that staff work with the Zoning Department to develop a simpler and more effective illegal sign ordinance and bring that back to Council. (Hutchinson-April 2011)

Reviews