



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Julie-Ann Dixon	Damon Jeter	Torey Rush (Chair)	Bill Malinowski	Seth Rose
District 9	District 3	District 7	District 1	District 5

APRIL 22, 2014

5:00 PM

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: March 25, 2014 [PAGES 3-5]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Septic and Storm Drainage Problems in Suburbs [PAGES 6-8]
3. Richland County Souvenirs [PAGES 9-12]
4. Establishment of a Drainage Improvement Program [PAGES 13-38]

5. Service (One Stop) Requests for Council [PAGES 39-42]
6. Mobile Home Park Regulations that are enforced by the Building Codes and Inspections Department [PAGES 43-69]

ITEMS FOR DISCUSSION / INFORMATION

7. Report of Fire Advisory Committee

ADJOURNMENT



Special Accommodations and Interpreter Services

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County Council Request of Action

Subject

Regular Session: March 25, 2014 [**PAGES 3-5**]

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, MARCH 25, 2014 5:00 P.M.

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

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MEMBERS PRESENT

Chair: Torrey Rush
Member: Julie-Ann Dixon
Member: Damon Jeter
Member: Bill Malinowski
Member: Seth Rose

ALSO PRESENT: Tony McDonald, Sparty Hammett, Roxanne Ancheta, Warren Harley, John Hixon, Andy Metts, Ray Peterson, Rudy Curtis, Sara Salley, Elizabeth McLean, Amelia Linder, Bill Peters, Daniel Driggers, Monique Walters

CALL TO ORDER

The meeting started at approximately 5:00 p.m.

APPROVAL OF MINUTES

February 25, 2014 (Regular Session) – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

Expiration of Contracts for Solid Waste Curbside Collection Areas 1, 3 & 4 – Mr. Rose moved, seconded by Mr. Malinowski, to forward to Council without a recommendation. The vote in favor was unanimous.

Safe Routes to Schools Grants – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to approve the request for Richland County to support schools in

Item# 1

their applications for SCDOT grant funding under their Safe Route to Schools Program. The vote in favor was unanimous.

Approving Reimbursement Resolution related to preliminary expenditures related to the Lower Richland Sewer System Project Phase I – Mr. Malinowski moved, seconded by Mr. Rose, to forward to Council with a recommendation to fund the project from the General Fund. A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Jeter, to forward to Council with a recommendation to amend the resolution language as follows: “intent” will be changed to “will be reimbursed”. A discussion took place.

The vote was in favor.

Define the vehicles subject to Section 17-10, Parking in Residential and Commercial Zones of the County – Ms. Dixon moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation to approve the ordinance amendment that will more clearly define the vehicles prohibited from parking in residential and commercial zones of the County. A discussion took place.

Ms. Dixon made a substitute motion, seconded by Mr. Malinowski, to defer this item until the April committee meeting and to direct the staff, Sheriff’s Department, Magistrate’s Office and any additional entity needed to clarify the proposed ordinance. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Report of Fire Advisory Committee – Ms. Dixon moved, seconded by Mr. Malinowski, to receive monthly updates from the Fire Service. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:44 p.m.

Submitted by,
Torrey Rush, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Septic and Storm Drainage Problems in Suburbs [**PAGES 6-8**]

Reviews

Richland County Council Request of Action

Subject: Septic and Storm Drainage Problems in Suburbs

A. Purpose

County Council is requested to develop a plan to eliminate the septic and storm drainage problems in the suburbs.

B. Background / Discussion

During the July 16, 2013, Councilman Jackson made the following motion:

“Develop a plan to eliminate the septic and storm drainage problems in the suburbs and complete and tie into the city sewer and storm water systems.”

This motion was forwarded to the D&S Committee for further consideration.

C. Legislative / Chronological History

This motion was referred to the D&S Committee during the July 16, 2013 Council meeting.

D. Financial Impact

The financial impact of developing and implementing a plan to eliminate septic and storm drainage problems in suburbs in general is not available. Additional guidance from Council is needed to determine the goal of the study and the boundaries and extent of the study area. Once this information is provided, the financial impact can be determined.

E. Alternatives

1. Authorize staff to develop a scope of work, solicit a proposal from a consultant and bring a recommendation back to Council for proceeding with a study.
2. Do not approve the development of a plan.

F. Recommendation

It is recommended that Council approve the request to hire a consultant to develop a plan to eliminate the septic and storm drainage problems in the suburbs as identified by County Council.

Recommended by: Councilman Norman Jackson

Date: 3/10/14

G. Reviews

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

Item# 2

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 3/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation supports additional information if the request is an item Council wants to consider

Procurement

Reviewed by: Rodolfo Callwood

Date: 3/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Utilities

Reviewed by: Andy H. Metts

Date: 3/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: A plan was developed a few years ago to address the septic tank problem communities in Richland County as identified on the SC DHEC sewer needs list. This plan is available for review and updating.

Legal

Reviewed by: Elizabeth McLean

Date: 3/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s diecretion.

Administration

Reviewed by: Sparty Hammett

Date: 3/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Richland County Souvenirs [**PAGES 9-12**]

Reviews

Richland County Council Request of Action

Subject: Richland County Souvenirs

A. Purpose

Richland County Council is requested to approve a request to work with a marketing firm to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism.

B. Background / Discussion

At the March 18, 2014 Council meeting, Councilman Jackson made the following motion:

“Develop souvenirs for Richland County to be sold at the State Museum and stores for tourism purpose.”

This item was forwarded to the April D&S Committee.

If Council approves this request, staff will develop souvenir options for Council’s consideration. These options, which will include costs, will be brought back to Council for action.

Further, it is recommended that a marketing firm be retained to develop the souvenir options on behalf of Richland County for the following reasons:

- A marketing firm can conduct market research and/or surveys (phone/email/in-person) to determine the best item, image or symbol to represent the County.
- A marketing firm can present several prototypes for Council’s consideration.
- A marketing firm can do this in a designated timeframe without the constraints of other priorities staff members have.
- Staff does not have the desired levels of research, product development or branding capabilities of a marketing firm.
- Staff feels that a better product(s) can be achieved with a marketing firm.

C. Legislative / Chronological History

There is no legislative or chronological history other than the stated motion.

D. Financial Impact

The financial impact of these souvenirs is unknown at this time, but will be presented when the options are provided to Council. Also, it is currently unknown what the costs associated with hiring a marketing firm will be. If Council wishes to retain the services of a marketing firm to assist with this project, staff will research the costs, and will present them to Council ASAP.

Please note that Hospitality Tax dollars *may* be a viable source of funds for this item.

E. Alternatives

1. Approve a request to work with a marketing firm to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism.
2. Approve staff to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism.
3. Do not approve the request to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism.

F. Recommendation

It is recommended that Council approve a request to work with a marketing firm to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism.

Recommended by: Michelle Onley/Beverly Harris

Department: Clerk of Council/Public Information Date: April 1, 2014

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/16/14

Recommend Council approval

Recommend Council denial

Recommend Council discretion

Comments regarding recommendation:

Since the request is a funding decision, it is an item for Council discretion based on the goals of the Council. Approval would require the approval of a level of funding and identification of a funding source. If approved, Council may consider using available funds undistributed in the current Council Services budget which would not require a budget amendment.

Procurement

Reviewed by: Christy Swofford

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/17/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

The following are the allowed uses for hospitality tax dollars:

SECTION 6-1-730. Use of revenue from local hospitality tax.

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local hospitality tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.

Administration

Reviewed by: Roxanne Ancheta

Date: April 18, 2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve, in concept until a financial impact is determined, the request to work with a marketing firm to develop souvenir options for Richland County to be sold at the SC State Museum and other Midlands stores to promote tourism. Staff will research the costs associated with the marketing firm, and will present them to Council ASAP for further direction.

Richland County Council Request of Action

Subject

Establishment of a Drainage Improvement Program [**PAGES 13-38**]

Reviews

Richland County Council Request of Action

Subject: Establishment of a Drainage Improvement Program

A. Purpose

County Council is requested to approve staff to assess the establishment of a new Drainage Improvement Program to address drainage and localized flooding problems for both existing and future development in Richland County. This item was presented to County Council during its January 2014 annual retreat. In February 2014, County Council forwarded this item to the Development and Services Committee.

The draft ordinance will enable staff to either address such drainage issues or refer them to Council for review and approval (see attachment G-Draft ordinance amendment).

The Countywide Watershed Improvement Plan (CWIP) approved by Council at its April 1, 2014 Council meeting will establish the long-term drainage, flooding, and stormwater strategy for the County and address many of the County-wide elements of a Drainage Improvement Program.

B. Background / Discussion

Summer 2013 Drainage and Flooding Concerns

During June and July 2013, significantly above normal rainfall occurred across the County resulting in numerous drainage and flooding complaints from residents. Rainfall in the Gills Creek watershed was 25.96 inches, recurring on average once every 200 years. Rainfall in Lower Richland (near Gadsden) and near McEntire Air Base during June and July of 2013 totaled 23.22 inches which occurs on average once every 75 years (see Attachment A - 2013 Rainfall). Therefore, these rainfall events exceeded the standard design capacity of drainage systems to safely and adequately convey stormwater resulting in flooding across the County, especially in low-lying Lower Richland.

The locations of drainage complaints and flood insurance claims during the past year are shown in Attachment B – Drainage Complaints.

Many, but not all, of the drainage complaints that could not be resolved under existing ordinances were on properties in Lower Richland not located within the Federal Emergency Management Agencies (FEMA) Special Flood Hazard Area (SFHA – 100 year floodplain). Instead, the complaints were associated with drainage in yards, near, or adjacent to wetlands or on hydric soils. Hydric soils are poorly drained and not suitable for urban uses and form where ponding of water occurs, such as the Carolina bays in Lower Richland.

Drainage/Flooding issues in other South Carolina Counties

Officials from the nine largest counties in South Carolina were contacted to determine how drainage/flooding issues are handled on private land where the County does not have any easements, ordinances, or maintenance responsibilities.

- In seven of the nine counties surveyed, the private landowner is responsible for resolving the flooding issue unless the County activity caused the drainage or flooding problem. The exceptions are Greenville and York Counties.
- The Greenville County Off-Right of Way Assistance Program authorizes repair of flood-related damage on private property; however, the landowner is responsible for reimbursing the County for materials.
- York County also provides very limited, one time, emergency maintenance to assist landowners with drainage and flooding problems; however, landowners must reimburse the County for materials.

Drainage Improvement Program Elements and Alternatives

Five basic elements must be considered in any new Drainage Improvement Program and include:

1. Environmental permitting
2. Engineering design
3. Easement or fee simple land acquisition
4. Implementation (Construction and Maintenance Costs)
5. Staff and/or Consulting Costs

Of the complaints received during the summer 2013, four complaints from Lower Richland exemplify the range of possible feasible and infeasible drainage solutions as well as the *estimated* time and cost for permitting, design, easement acquisition, and construction. The complaints include: South Scott Road, Old Bluff Road, Cornell Adams Run, and South Cedar Creek Road.

Feasible Solution Consistent with Current Ordinances

- South Scott Road (Attachment C) – The localized flooding problem involves at least four single family homes and the inundation of a County-maintained dirt road. The flooded area was poorly-drained but contained no hydric soils, no wetlands and was not located in the FEMA SFHA. The flooding was caused by the extreme rainfall events in the summer of 2013 and exacerbated by two factors. First, the 12 inch culvert under the dirt road was inadequate and blocked by debris. Second, a drainage ditch (non-County maintained) had been blocked by the residents impeding the flow of water away from South Scott Road. Drainage and road improvements were made by the Public Works Department consistent with the requirements of Sec 21-4,(a),(2),e. These improvements were not permanent since water was discharged into another undrained (Carolina Bay)

area down slope. The current alignment of the improved drainage ditch with South Scott Road constrains future improvement of the road. Approximately 3,000 feet of downstream ditch improvements will be necessary for a permanent resolution of the problem, with easement acquisition questionable.

Total Parcels (Easements Required): 6
Estimated Cost: \$125,000
Time to Complete (permitting, easements and construction): 1 year
Annual Maintenance Cost: \$5,000

Infeasible Solution Inconsistent with Current Ordinances

- Old Bluff Road (Attachment D) – Drainage problems were observed in the back yard of a single-family home (taxable value of \$56,800) constructed in 1940 located within the FEMA SFHA and adjacent to wetlands and hydric soils. Two ditches located on either side of the home drain water away from Old Bluff Rd but have no impact on drainage problems in the back yard of the home. The area from the backyard to Myers Creek is a contiguous area of wetlands with little if any slope; therefore, construction of drainage ditches would be infeasible and offer no drainage benefit. Further, securing the required permits to construct such ditches would be difficult if not impossible to obtain from the U.S. Army Corps of Engineers. If permits could be secured, wetland mitigation would be required.

Total Parcels (Easements Required): One
Estimated Cost: Unknown
Time to Complete (permitting, easements and construction): 1-2 years
Annual Maintenance Cost: Unknown

Feasible Solution Inconsistent with Current Ordinances

- Cornell Adams Run (Attachment E) – Significant flooding problems were observed at a single family home (taxable value of \$95,000) constructed in 1987 located along a drainage way connecting two Carolina bays including wetlands with hydric soils. The home is not located within the FEMA SFHA. The upper Carolina bay is effectively impounded by a County-maintained dirt road. A railroad track (with no culvert) bisects the downstream Carolina bay causing a backwater effect (ponding) which contributed to the flooding problem. A larger culvert and pipe could be constructed from the upper bay effectively bypassing the house. To address the ponding problem a culvert would need to be tunneled under the railroad track and a ditch installed down gradient of the railroad to drain water to the next Carolina bay. Acquisition of easements for the ditch improvements is questionable. Permits from the U.S. Army Corps of Engineers would most probably be required to construct the drainage ditches in the wetlands within each Carolina bay. If permits could be secured, wetland mitigation would be required.

Total Parcels (Easements Required): Five
Estimated Cost: \$155,000
Time to Complete (permitting, easements and construction): 1-2 years

Annual Maintenance Cost: \$7,000

Feasible Solution Inconsistent with Current Ordinances

- South Cedar Creek Road (Attachment F) - Drainage problems were observed in the back yard of a single-family home (taxable value of \$266,900) constructed in 2000. The home is not located within the FEMA SFHA, but the back yard is located along a drainage way with hydric soils connecting two Carolina bays including wetlands. Neither Carolina bay is located on the parcel in question. Assuming wetlands permits and easements could be obtained and permission from the U.S. Department of Agriculture to use the existing Gadsden Drainage Project, a drainage ditch could be constructed in two down-gradient Carolina bays and eventually to the USDA Gadsden Drainage Project. If permits could be secured, wetland mitigation would be required.

Total Parcels (Easements Required): Four

Estimated Cost: \$50,000-\$100,000

Time to Complete (permitting, easements and construction): Six months to 2 years

Annual Maintenance Cost: \$2,000

C. Legislative / Chronological History

This is a staff initiated request responding to drainage and localized-flooding problems during the summer of 2013. This item was discussed during the January 2014 Council retreat and was forwarded to the D&S Committee by Council on February 18, 2014.

D. Financial Impact

The exact financial impact of establishing a Richland County Drainage Improvement Program is unknown at this time. The timeframe and cost for each of the program's elements will vary based on the extent of the drainage problem and proposed engineering or management solution. Costs will vary significantly from year to year based on rainfall and any future development on parcels prone to drainage and localized flooding problems. If approved by Council, staff will develop a detailed estimate of the financial impact of various amendments to County drainage ordinances and other alternative program changes.

E. Alternatives

1. Approve the request to assess the establishment of a new Drainage Improvement Program to address drainage and localized flooding problems for both existing and future development in Richland County.
2. Do not approve the request to assess the establishment of a new Drainage Improvement Program to address drainage and localized flooding problems for both existing and future development in Richland County.

F. Recommendation

It is recommended Council approve the request to assess the establishment of a new Drainage Improvement Program to address drainage and localized flooding problems for both existing and future development in Richland County.

Recommended by: County Administration

Date: April 2, 2014

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 4/7/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Public Works

Reviewed by: Ismail Ozbek

Date: 4/7/2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Conservation

Reviewed by: James B. Atkins

Date: 4/7/2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The significant above average rainfall during summer 2013 highlighted numerous shortcomings of the County’s current drainage ordinance to deal with localized flooding and drainage concerns. A reassessment of the ordinance and other policies are needed to minimize and address such problems in the future.

Legal

Reviewed by: Elizabeth McLean

Date: 4/15/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

Below are my comments regarding the attached draft ordinance:

- Section (3) - the maintenance/improvement of natural resources (such as streams) could involve state or federal law and may be more than this ordinance is meant to deal with.
- Section (3)(a) – “beyond the ability of an individual property owner” – not sure what was intended here, but the language is probably more vague than it needs to be. I would suggest at least adding some “reasonableness” language. For example, “beyond the reasonable ability of an average individual property owner to resolve without extraordinary efforts,” or some language to that effect that makes the recommending

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department happy. Also, who determines if the property owner has passed this hurdle? The PW Director? Admin? May need to be in the language.

- Section (3)(d) – Regardless of the language, if the County does drainage work that in turn causes a need for continuing maintenance or repairs on the subject site or elsewhere, the County will likely be required to provide such continued maintenance or remediation.
- Section 21-4 (b) – Add language to read “Easements or temporary rights-of-entry, as outlined above, must be obtained....”

Administration

Reviewed by: Sparty Hammett

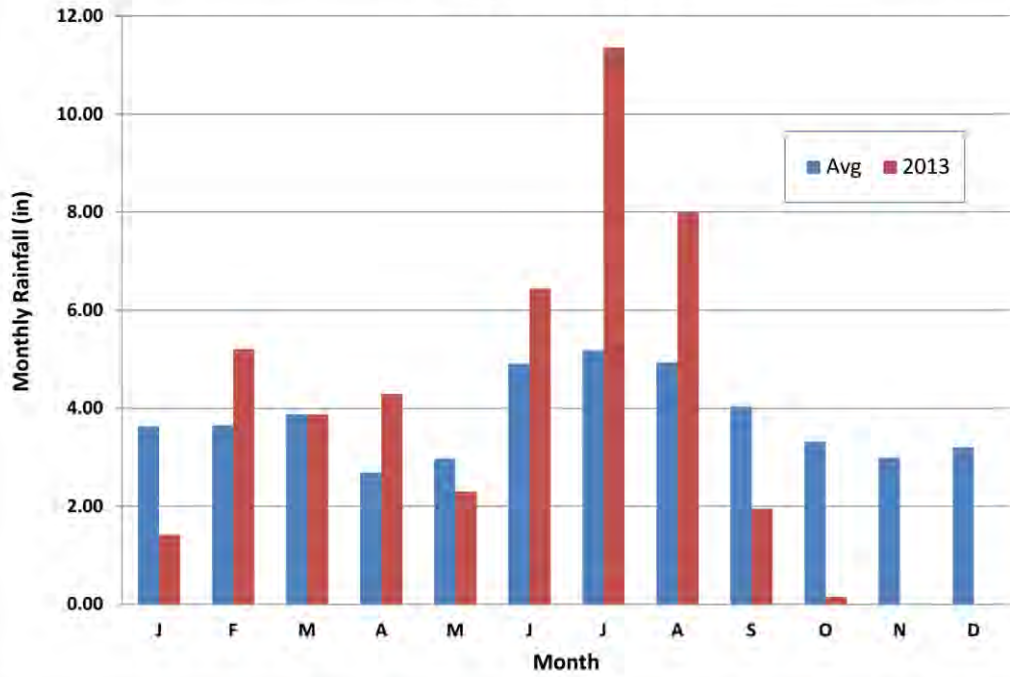
✓ Recommend Council approval

Comments regarding recommendation:

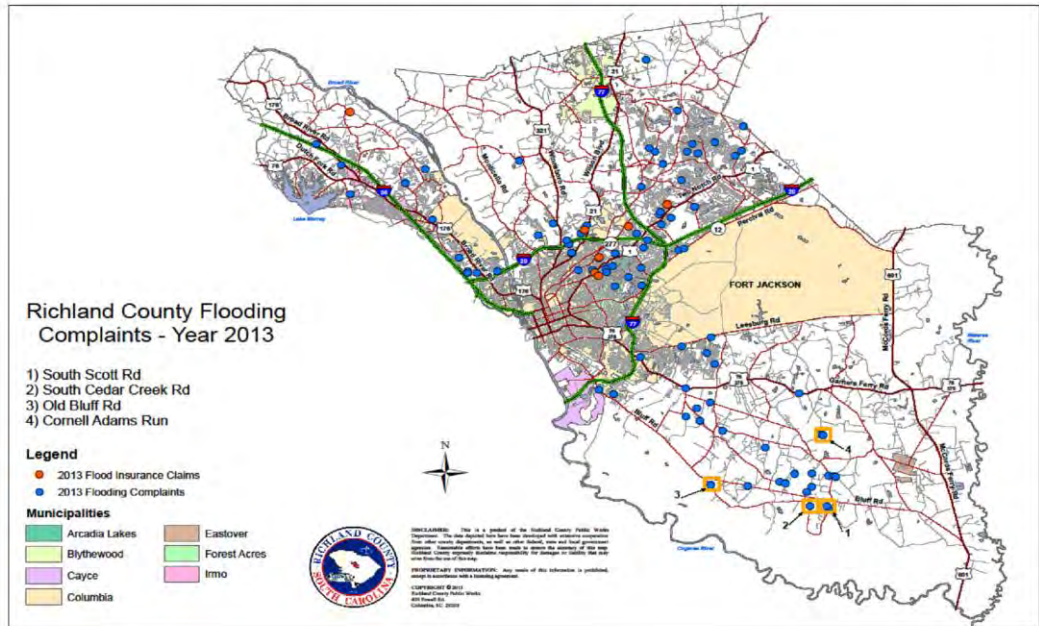
Date: 4/16/14

Recommend Council denial

**Attachment A
Average 30 Year Monthly Rainfall v. 2013 Actual Monthly Rainfall
McEntire ANG**



Attachment B: Location of 2013 Drainage Complaint & Flood Insurance Claims



Attachment C: Feasible Solution Consistent with Current Ordinances

South Scott Road

• South Scott Road – The localized flooding problem involves at least four single family homes and the inundation of a County-maintained dirt road. The flooded area was poorly-drained but contained no hydric soils, no wetlands and was not located in the FEMA SFHA. The flooding was caused by the extreme rainfall events of June-July 2013 and exacerbated by two factors. First, the 12 inch culvert under the dirt road was blocked by debris. Second, a drainage ditch (non-County maintained) had been blocked by the residents impeding the flow of water away from South Scott Road. Drainage and road improvements were made by the Publics Works Department consistent with the requirements of Sec 21-4,(a),(2),e. These improvements were not permanent in nature as they discharge the water into another undrained (Carolina Bay) area and could not be placed on a grade line that would allow for future improvement of the road. Approximately 3,000 feet of downstream ditch improvements will be necessary for a permanent resolution of the problem, with easement acquisition questionable

- Total Parcels (Easements Required): 6
- Estimated Cost: \$125,000
- Time to Complete (permitting, easements and construction): 1 year
- Annual Maintenance Cost: \$5,000





Item# 4

S. Scott Road Drainage 2



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Item# 4

Attachment D: Infeasible Solution Inconsistent with Current Ordinances

364 Old Bluff Road

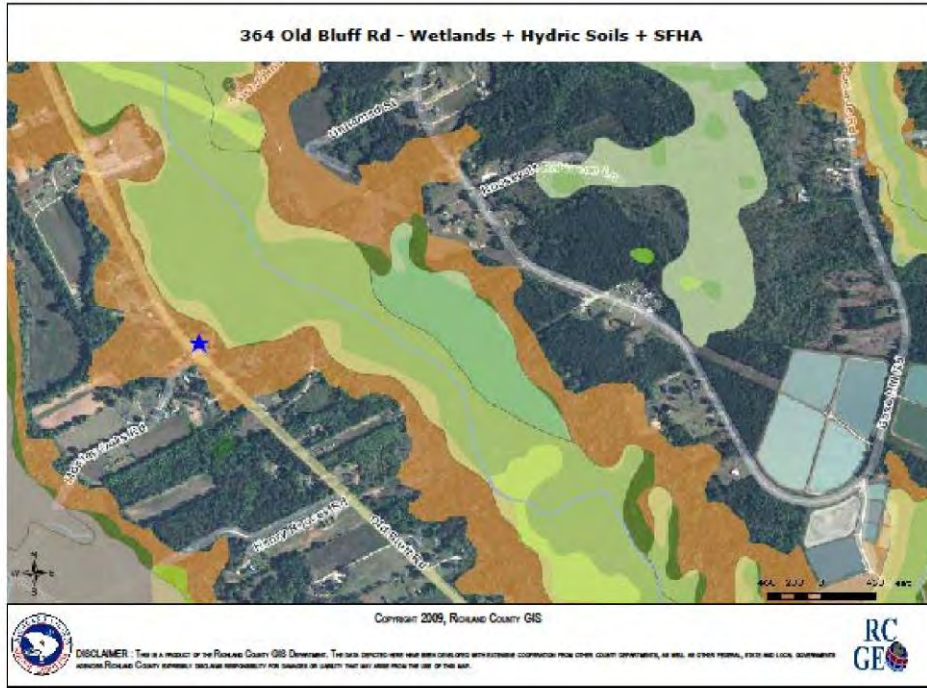
• 364 Old Bluff Road – Drainage problems were observed in the back yard of a single-family home (taxable value of \$56,800) constructed in 1940 located within the FEMA SFHA and adjacent to wetlands and hydric soils. Two ditches located on either side of the home drain water away from Old Bluff Rd but have no impact on drainage problems in the back yard of the home. The area from the backyard to Myers Creek is a contiguous area of wetlands with little if any slope; therefore, construction of drainage ditches would be infeasible and offer no drainage benefit. Further, securing the required permits to construct such ditches would be difficult if not impossible to obtain from the US Army Corps of Engineers. If permits could be secured, wetland mitigation would be required.

- Total Parcels (Easements Required): One
- Estimated Cost: Unknown
- Time to Complete (permitting, easements and construction): 1-2 Years
- Annual Maintenance Cost: Unknown





364 Old Bluff Rd - Wetlands + Hydric Soils + SFHA



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Item# 4

Attachment E: Feasible Solution Inconsistent with Current Ordinances

120 Cornell Adams Run

• 120 Cornell Adams Run – Significant flooding problems were observed at a single family home (taxable value of \$95,000) constructed in 1987 located along a drainage way connecting two Carolina bays including wetlands with hydric soils. The home is not located within the FEMA SFHA. The upper Carolina bay is effectively impounded by a County-maintained dirt road. A railroad track (with no culvert) bisects the downstream Carolina bay causing a backwater effect which contributed to the flooding problem. A larger culvert and pipe could be constructed from the upper bay effectively bypassing the house. A culvert would need to be tunneled under the railroad track and a ditch installed down gradient of the railroad to drain water to the next Carolina bay. Acquisition of easements for the ditch improvements is questionable. Permits from the US Army Corps of Engineers would most probably be required to construct the drainage ditches in the wetlands within each Carolina bay. If permits could be secured, wetland mitigation would be required.

- Total Parcels (Easements Required): Five
- Estimated Cost: \$155,000
- Time to Complete (permitting, easements and construction): 1-2 Years
- Annual Maintenance Cost: \$7,000







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Attachment F: Feasible Solution Inconsistent with Current Ordinances

1203 South Cedar Creek Road

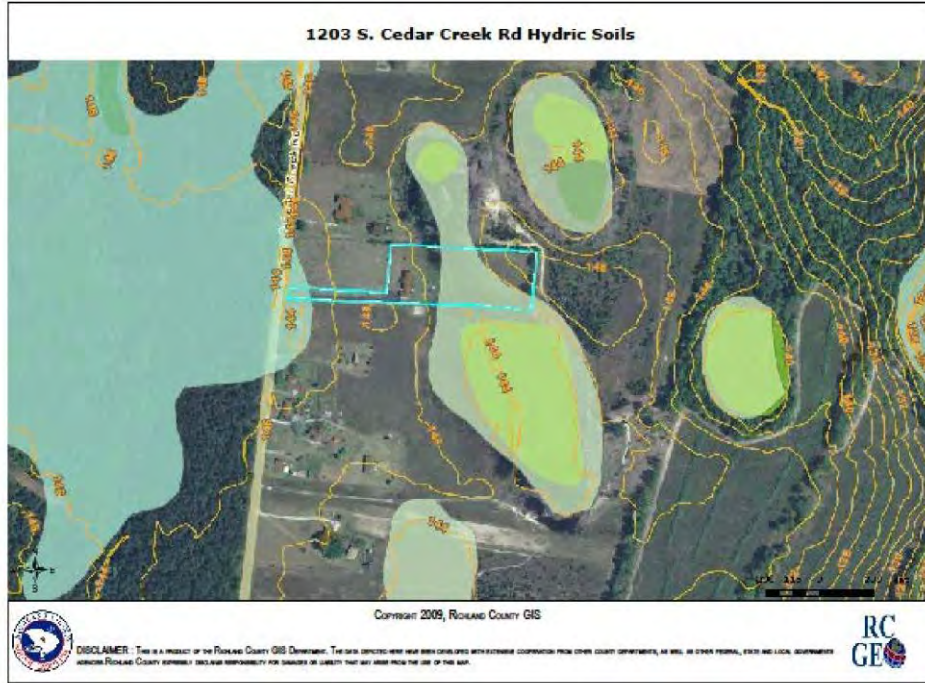
• 1203 South Cedar Creek Road - Drainage problems were observed in the back yard of a single-family home (taxable value of \$266,900) constructed in 2000. The home is not located within the FEMA SFHA, but the back yard is located along a drainage way with hydric soils connecting two Carolina bays including wetlands. Neither Carolina bay is located on the parcel in question. Assuming wetlands permits and easements could be obtained and permission from the USDA to use the existing Gadsden Drainage Project, a drainage ditch could be constructed in two down-gradient Carolina bays and eventually to the USDA Gadsden Drainage Project. If permits could be secured, wetland mitigation would be required.

- Total Parcels (Easements Required): Four
- Estimated Cost: \$50,000-\$100,000
- Time to Complete (permitting, easements and construction): Six months-2 years
- Annual Maintenance Cost: \$2,000





1203 S. Cedar Creek Rd Hydric Soils



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Attachment G: Draft Ordinance Amendment

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 2, PUBLIC WORKS; SECTION 2-197, USE OF COUNTY EQUIPMENT BY PRIVATE PARTIES AND DURING PUBLIC EMERGENCIES; AND CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-4, DRAINAGE ON PRIVATE PROPERTY; AND SECTION 21-16; SO AS TO BROADEN THE CIRCUMSTANCES UNDER WHICH THE COUNTY MAY PERFORM EMERGENCY MAINTENANCE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 2, Public Works; Section 2-197, Use of County Equipment by Private Parties and During Emergencies; is hereby amended to read as follows:

Sec. 2-197. Use of county equipment by private parties and during public emergencies.

(a) *Use and operation of county equipment.* Only authorized employees of the county shall be allowed to use and operate equipment owned by the county. No such equipment may be used at any time on private property or for private purposes except for public emergencies as hereinafter defined and as duly authorized by the director of public works and/or the county administrator.

(b) *Public emergency.* A public emergency is hereby defined as a flood (as defined under Section 26-22 of this Code of Ordinances), earthquake, tornado, hurricane, ~~commercial~~ passenger train wreck, vehicular wrecks involving five (5) or more vehicles and/or ten (10) or more persons, ~~forest~~ fires and other occurrences, natural or man-made, where the public health is threatened or the potential of extensive damage to private property exists and immediate, emergency steps are necessary to protect life, ~~and~~ health, the environment, and prevent substantial property loss.

(c) *Records.* In the event of such public emergency, the department of public works must, as soon thereafter as possible, make a record of the nature of the emergency, the property and/or owner involved, the operator of the equipment, the names of county employees utilized, the date(s) thereof, and the manhours involved.

(d) *Reimbursement.* The director of public works and/or the county administrator may apply for reimbursement for the services rendered by county employees and equipment where

the private party either had or has insurance available for such services or where federal or state funds are available, such as disaster aid.

(e) *Violation.* The failure to comply with this section shall be grounds for suspension, removal or termination.

SECTION II. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-4, Drainage on Private Property; is hereby amended to read as follows:

Sec. 21-4. Drainage on private property.

(a) Drainage improvements and/or maintenance will be undertaken by county forces on private property only:

- (1) When the drainage system involved has been designed, approved and constructed in accordance with the county's Stormwater Management, Erosion and Sediment Control Regulations (§§ 26-202, 26-203) and accepted by the county, or
- (2) When there is a clear and substantial public interest served in doing so and drainage easements are granted to the county on all of the property involved. Improvements and/or maintenance with an estimated material cost in the amount of five thousand dollars (\$5,000.00) or less may be approved by the county administrator. Drainage improvements and/or maintenance in excess of five thousand dollars (\$5,000.00) in material costs shall be reviewed and approved by County Council. For the purpose of this section, a public interest is defined as:
 - a. The correction of a serious health hazard or environmental concern, as designated by county or state health officials, affecting multiple residences and beyond the responsibility of an individual property owner.
 - b. The correction of a malfunction or inadequacy of the drainage system within the right-of-way of a publicly maintained street or road.
 - c. The correction of drainage problems associated with projects constructed by the county.
 - d. The maintenance of the structural integrity of the existing drainage infrastructure of the county.
 - e. The improvement of drainage for the benefit of the community. To benefit the community, drainage improvements must eliminate flooding that directly affects a minimum of four (4) residences and/or businesses situated on individual lots or inundates a public road.

f. However, correction of minor ditch erosion problems on private property will not be considered a substantial public interest.

~~Note: Correction of minor ditch erosion problems on private property will not be considered a substantial public interest.~~

(3) Emergency maintenance and/or improvements of private drainage facilities, including natural resources (such as streams), may be undertaken when the following conditions exist and the requirements of Subsection (a) (2), above, cannot be met:

a. The correction of a serious health or environmental hazard, as designated by county or state officials, affecting a single residence and beyond the ability of an individual property owner to resolve.

b. Improvements and/or maintenance that eliminate flooding of less than four (4) residences and/or businesses.

c. Improvements and/or maintenance of an existing drainage facility, failure of which may result in property damage to downstream properties or potential loss of life.

d. The provision of emergency maintenance will not create a maintenance responsibility for Richland County. A temporary right of entry will be required of the property owner, covering only the time which the emergency maintenance is performed.

Improvements and/or maintenance with an estimated material cost in the amount of five thousand dollars (\$5,000.00) or less may be approved by the county administrator. Drainage improvements and/or maintenance in excess of five thousand dollars (\$5,000.00) in material costs shall be reviewed and approved by County Council.

(b) Easements ~~will~~ must be obtained for any existing or proposed drainage facilities on private property before any work is performed thereon by county forces. Easements for maintenance of drainage facilities constructed without the county's approval of plans or inspections will not be accepted unless the property owners execute a hold harmless agreement and release the county from all claims resulting from deficiencies of the facilities.

(c) Except where the county has accepted an easement for maintenance of drainage facilities on private property as provided herein, maintenance is the responsibility of the property owner.

SECTION III. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-16, Work on Private Property; is hereby amended to read as follows:

Sec. 21-16. Work on private property.

The county department of public works is prohibited from performing any work on private property not specifically authorized under the provisions of this ~~section~~ Article except in emergency situations involving public health or safety and authorized, in writing, by the county administrator.

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 _____, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE _____ DAY
OF _____, 2014

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

Richland County Council Request of Action

Subject

Service (One Stop) Requests for Council [**PAGES 39-42**]

Reviews

Richland County Council Request of Action

Subject: Service (One Stop) Requests for Council

A. Purpose

Council is requested to approve the proposed system to assure requests and/or comments received by Council members, staff, or the Ombudsman's Office are responded to officially, and in an organized manner.

B. Background / Discussion

Mr. Malinowski made the following motion at the March 18, 2014 Council Meeting:

At time throughout the year Council receives service requests. We need to make sure such requests are responded to in order that those submitting these comments don't feel their comments are totally ignored. Based on this I am making the following motion: Richland County Council, with the assistance of the Legal Department, will develop a system to assure that requests and/or comments received in general by Council members, staff or the Ombudsman's Office are responded to officially. This will eliminate the possibility of the remitter receiving 11 or more different responses/opinions or possibly not receiving any. The item was forwarded to the April D&S Committee.

Current Process:

Upon receipt of a request in the Ombudsman's Office that must be sent to full Council, it is entered into One Stop and forwarded to the Clerk of Council for dissemination, as well as review and response by Council. Additionally, an email is sent to the Clerk of Council's Office notifying them of the same. The Ombudsman's Office then informs the citizen his or her request has been sent to the Clerk of Council for dissemination to full Council.

Oftentimes, individual Council Members may reply to the citizen via email, or not at all. This either causes a "hodgepodge" of responses to the citizen, or a lack of response entirely.

Recommendation:

Citizens should receive one official, organized response from Council via the Clerk of Council's Office. One Stop requests should not be closed until a response from Council has been sent by the Clerk's Office.

Therefore, the following process is being proposed:

1. Upon receipt of the request from the Ombudsman's Office, the Clerk should disseminate the request to full Council informing them a response is needed, and establishing a time frame in which to respond to the request via the Clerk's Office. (If a request of / for Council is generated outside the Ombudsman's Office, the request should be forwarded to the Ombudsman's Office for processing.)

2. If Council Members wish to respond to the citizen's request / question, they should reply to the Clerk's Office with their response within the established timeframe. This may require the Clerk follow up with Council to generate a timely response.
3. The Clerk will then compile all of Council's responses in one email.
4. Once Council's combined responses have been generated into one all-inclusive response, the Clerk should send it to Council for review. A deadline for Council's review should be provided – perhaps 24 – 48 hours. If no revisions are requested by Council, the response should then be forwarded to the citizen, with a cc to the Ombudsman's Office and Council Members. If revisions are requested by Council, the Clerk should make the changes and forward the revised response one more time to Council for review. If no revisions are requested by Council, the response should then be forwarded to the citizen, with a cc to the Ombudsman's Office and Council Members.
5. The Clerk's Office is to then close the service request after the response has been sent to the citizen, as well as inform full Council that the request has been closed.
6. The Clerk's Office should use One Stop to track the request from its opening to closing. If the request remains open, and a response is not sent timely, the service request would appear in the overdue report.

C. Legislative / Chronological History

Motion by Mr. Malinowski at the March 18th, 2014 Regular Session Council meeting.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to establish the official system outlined above to respond to comments/concerns from citizens.
2. Approve a revised version of the system outlined above.
3. Do not approve the request and continue with the current process as outlined above.

F. Recommendation

It is recommended Council approve the proposed system outlined above to assure requests and/or comments received by Council members, staff, or the Ombudsman's Office are responded to officially, and in an organized manner.

Recommended by: Bill Malinowski Department: Council Date: March 18, 2014

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 4/7/14

 Recommend Council approval Recommend Council denial Recommend Council Discretion

Comments regarding recommendation:

No financial impact and is a policy decision for Council Discretion

Clerk of Council's Office

Reviewed by: Michelle Onley

Date:

 Recommend Council approval Recommend Council denial Recommend Council Discretion

Comments regarding recommendation:

This is a policy decision of Council.

Ombudsman's Office

Reviewed by: Judy Carter

Date: April 17, 2014

 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

Approval will ensure a timely response to citizen's concerns and requests, minimize call backs due to no response and will establish an effective procedure for tracking such matter.

Legal

Reviewed by: Elizabeth McLean

Date: 4/17/14

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Please find below the Employee Handbook Policy recently adopted by Council regarding citizen requests:

"All customer contacts, such as emails, telephone calls, visits via walk-in's, etc., should be responded to timely, but at least acknowledged by the end of the following business day. Information provided should be accurate, complete, and in a manner understandable to the customer or citizen. A timely response for phone call, visit via walk-in's, or e-mail is by the end of the following business day and for letters is within five business days. Any employee who fails to comply with this guideline will be subject to disciplinary action up to and including termination."

Administration

Reviewed by: Roxanne Ancheta

Date: April 18, 2014

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the proposed system outlined above to assure requests and/or comments received by Council members, staff, or the Ombudsman's Office are responded to officially, and in an organized manner.

Item# 5

Richland County Council Request of Action

Subject

Mobile Home Park Regulations that are enforced by the Building Codes and Inspections Department [**PAGES 43-69**]

Reviews

Richland County Council Request of Action

Subject: Mobile Home Park Regulations that are enforced by the Building Codes and Inspections Department.

A. Purpose

County Council is requested to approve an amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations.

B. Background / Discussion

Mobile homes have been a housing option in Richland County for years, maybe even decades. The economy, finances, and various reasons forced many people to find inexpensive living quarters. Mobile homes are an affordable housing option. At the same time as offering price competition, they may be installed easily and quickly, and require little or no interior finishing work prior to occupation. This makes mobile homes an affordable and attractive form of housing for many, on either individual lots or in parks.

Landowners have taken advantage of a lack of lot size, home area and density requirements and have crammed as many mobile homes onto their lots as possible in an effort to extract the maximum amount of rental income from the property for the lowest investment. Basic amenities such as fresh water, adequate sewage and garbage disposal, privacy and fresh air suffered as a result. Over time, these same mobile homes become dilapidated; tenants add on illegal additions and make alterations, which is in violation of federal, state and local regulations and laws.

Federal and State Regulations of Mobile Homes:

The Federal Manufactured Housing Act of 1974 was adopted by Congress in response to the high number of injuries and deaths resulting from defects in mobile homes, to regulate the construction and safety of manufactured homes. The Department of Housing and Urban Development (HUD) was given the authority to develop nationwide construction codes to improve the construction quality. Federal regulations became effective July 15, 1976. Mobile homes manufactured after this date shall display a HUD seal or data plate to verify construction.

State regulations of mobile homes and parks are covered under the following 1976 Code of Laws and Regulations of SC:

Code of Laws:

Title 31, Chapter 17, Mobile Homes and House Trailers
Title 27, Chapter 47, Manufactured Home Park Tenancy Act
Title 40, Chapter 29, Uniform Standards Code for Manufactured Housing

Code of Regulations:

Chapter 79, Department of Labor, Licensing and Regulation-Manufactured Housing Board
Chapter 61-40, Mobile/Manufactured Home Parks

The above list covers the construction and installation of mobile/manufactured homes, except for SC Regulation 61-40, which regulates the condition of mobile home parks.

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However, there are currently no concise local regulations which the County could use to enforce the condition and maintenance of mobile homes and mobile home parks.

According to the Assessor's Office, the County has a record of 77 mobile home parks, containing an average of 10-20 mobile homes. Four of these mobile home parks contain over 100 mobile homes and one park has 370 mobile homes. There are 9,357 registered mobile homes in Richland County. There are 6,895 homes that are taxed separately from the land and 2,462 that are taxed with the land account. There are approximately 94 mobile home accounts where the Assessor's Office does not have a record of where the mobile home is located. These are older mobile homes that were registered in the 1960's and 1970's. They do not have a serial number on file for many of these, as well.

Establishing new regulations will create nonconforming issues. A nonconforming use should be subject to termination upon abandonment of the mobile home unit or park or transfer of ownership of unit or park. Mobile home park owners should be given a timeline to bring parks into compliance with current regulations.

Regulation of mobile homes and mobile home parks by the Building Codes and Inspections Department assures adequacy of water and waste disposal, and adequacy of police and fire protection, and other municipal functions which further the health, safety and general welfare, and which would then provide a higher quality of life for its citizens. This requires a balance between an individual's interest in using his/her property, the citizen's interest in affordable housing and the County's interest in conserving resources and planning for future community development. Mobile home and mobile home park regulation can provide a viable way to achieve this balance.

C. Legislative / Chronological History

On September 24, 2013, the D&S Committee recommended approving a staff-initiated request to establish Mobile Home Park Regulations. On October 1, 2013, County Council unanimously approved drafting an ordinance amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations.

D. Financial Impact

Request has been made in the budget for FY14/15 for: Two (2) Inspectors, one (1) Administrative Assistant to include benefits, Two (2) vehicles, I-Pads, cell phones and 1 computer/monitor and additional funds for abatement of homes.

E. Alternatives

1. Approve the ordinance amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations.
2. Do not approve the ordinance amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations.

F. Recommendation

It is recommended that Council approve the ordinance amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations.

Recommended by: Donny Phipps

Date: April 3, 2014

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G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 4/14/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Support approval of program however does not include any funding to operate program. As stated budget funds of approximately \$715k have been request in the FY15 budget process.

Procurement

Reviewed by: Rodolfo Callwood

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/16/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. I have no concerns with Council giving first reading approval; however, the Legal Department has not been involved in the drafting and review of the attached Draft Ordinance up to this point. As this issue is intertwined with multiple state laws and regulations, Legal would prefer to work with the Buildings and Inspections Department to ensure compliance with all applicable laws. Thus, if Council approves the draft for first reading, we request that Council allow Legal to work with the Buildings and Inspections Department to bring back any necessary changes to Council at second reading.

Administration

Reviewed by: Sparty Hammett

Date: 4/17/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval of the ordinance and the Mobile Home Abatement Program. If approved, Building Inspections staff would work directly with Legal to ensure compliance with all applicable laws. Funding for the program will be included in the County Administrator’s recommended budget if the program is approved by Council.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO PROVIDE REGULATIONS FOR THE CONSTRUCTION, USE, MAINTENANCE, AND OCCUPANCY OF MOBILE HOME PARKS, MOBILE HOME PARK SITES, MOBILE HOMES, PERMANENT BUILDINGS, ACCESSORY BUILDINGS OR STRUCTURES, AND BUILDING COMPONENTS WHEREVER LOCATED, BOTH WITHIN AND OUTSIDE OF MOBILE HOME PARKS AND MOBILE HOME PARK SITES, IN ALL PARTS OF THE UNINCORPORATED AREAS OF RICHLAND COUNTY.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XII, Penalties; is hereby amended to read as follows:

ARTICLE XII. MOBILE HOME PARKS

Sec. 6-200. Purpose and scope.

(a) The provisions of this article shall apply to the construction, use, maintenance, and occupancy of mobile home parks, mobile home park sites, mobile homes, permanent buildings, accessory buildings or structures, and building components wherever located, both within and outside of mobile home parks and mobile home park sites, in all parts of the unincorporated areas of Richland County.

(b) These provisions shall also apply to the use, maintenance, and occupancy of manufactured homes, mobile homes, multifamily manufactured homes and recreational vehicles, and the installations for supplying fuel gas, water, electricity, and the disposal of sewage from accessory buildings or structures, building components, recreational vehicles, manufactured homes, multifamily manufactured homes and mobile homes wherever located within or outside of mobile home parks and mobile home park sites, in all parts of the unincorporated areas of Richland County.

(c) Existing construction, connections, and installations of units, accessory buildings and structures, building components, plumbing, electrical, fuel gas, fire protection, earthquake resistant bracing, and permanent buildings completed before June 3, 2014 may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard or in violation of the International Property Maintenance Code.

Sec. 6-201. Definitions.

In addition to the definitions contained in this section, which shall apply in the interpretation and enforcement of these regulations, the definitions contained in Chapter

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Two of the current International Property Maintenance Code and the definitions relating to building standards contained in the IBC and IRC, are also applicable to this article.

Applicable code. The code language of the county, state, or national code or standard, whichever is more stringent.

Approved. Acceptable to the South Carolina Department of Health and Environmental Control.

Family property mobile/manufactured home installation. Mobile homes occupied by family members on property owned by a member of the same family and not offered for rent or lease to the public. Such installations are exempt from this article.

Health authority. An authorized representative of the South Carolina Department of Health and Environmental Control.

Mobile/manufactured home. A factory assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling. This definition shall include any structural addition to a mobile/manufactured home.

Mobile/manufactured home site. A parcel of land (space) within a mobile/manufactured home park for the placement of a mobile/manufactured home and its accessory buildings and structures and containing approved sewer and water connections.

Mobile/manufactured home park. A parcel of land containing five (5) or more mobile/manufactured home sites which are available for rent or lease.

Permit. A written permit issued to a person who owns the mobile/manufactured home park by the health authority authorizing the mobile/manufactured home park to operate under this regulation.

Person. Any individual, firm, partnership, corporation, company, association or other entity.

Sewer connection. All pipes, fittings and appurtenances from the drain outlet of the mobile/manufactured home to the inlet of the corresponding sewer riser.

Sewer riser pipe. That portion of the sewer lateral which extends vertically to or above the ground elevation and terminates at each mobile/manufactured home site. It contains a suitable connector which can be capped when not in use.

Sec. 6-202. Permits.

(a) No person shall operate a mobile/manufactured home park or site, or a portion of a park, or rent, lease, sublease, hire out, or let out for occupancy, any new or existing lot in a park in the unincorporated areas of Richland County without a current permit to operate

issued by the health authority and evidence of compliance with all Richland County Zoning, Building, Mobile/Manufactured Home, and Business License regulations.

(b) No person shall erect, construct, reconstruct, install, replace, relocate, or alter any building, structure, accessory building or structure, or building component; any electrical, mechanical, or plumbing equipment; any fuel gas equipment and installations, or fire protection equipment; or installations of, or within, a park, or a lot without first obtaining a permit from the Richland County Building Department.

(c) No person shall create or change a lot line within a park without first obtaining an approval and/or a permit from Richland County Zoning Division.

Sec. 6-203. Copies of permits.

A copy of the “Permit to Operate” issued by the health authority shall be provided to the Property Maintenance Division for each Mobile Home Park.

Sec. 6-204. Layout plans.

(a) All manufactured home park development plans must be approved by the health authority. Detailed site plans must be submitted to the Property Maintenance Division, which identify mobile homes and/or manufactured homes located in each approved space.

(b) All mobile home and manufactured home parks shall meet the requirements of the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, MH Manufactured Home Residential District; and Article VI, Supplemental Use Standards; Section 26-151, Subsection (c), Standards; Paragraph (45), Manufactured Home Parks.

Sec. 6-205. Applicant documents.

(a) The owner, operator, or the designated representative shall complete and submit a Manufactured Home Park Registration Form for the park to the Property Maintenance Division.

(b) The owner, operator, or the designated representative shall also submit completed Manufactured Home Registration Forms for every unit within the park to the Property Maintenance Division.

(c) The owner, operator, or the designated representative is responsible for notifying the Property Maintenance Division of any changes in tenant or ownership.

Sec. 6-206. Emergency information.

(a) Every park shall adopt an emergency preparedness plan and notify park residents how to obtain a copy of this plan. It shall be posted at the Manager’s office or on-site at a central location, as approved by Richland County.

(b) At a minimum, the following items should be included in a park's emergency preparedness plan:

- (1) Maps showing evacuation routes out of the park including all exits and alternate routes and exits.
- (2) The elevation of the park property if the park is in a floodplain
- (3) Contact information for emergency government agencies, local fire and police department and community assistance organizations and other emergency agencies contact information.
- (4) Information on how residents may obtain additional materials for establishing an individual household emergency plan, emergency supply kits, and individual home safety recommendations.

Sec. 6-207. Reporting change in park status.

Mobile homes and manufactured homes cannot be moved in or out of a park without proper approval from Richland County Zoning, Permits, and Mobile Home Divisions. An operator of the park shall submit to the Property Maintenance Division any change in the information related to the park. Changes in information shall include, but not be limited to:

- (a) Change of mobile/manufactured home park name, mailing address, or ownership;
- (b) Change in the number of lots resulting from the sale, lease, removal, construction or alterations of existing lots or facilities; and
- (c) Change in the number of mobile or manufactured homes resulting from demolition and/or removal or additional mobile or manufactured homes moved into the park.

Sec. 6-208. Swimming pools.

Pool and barrier standards for public and private swimming pools constructed or erected within a park shall comply with the currently adopted International Building Code and with the currently adopted International Property Maintenance Code.

Sec. 6-209. Inspections.

- (a) An inspection of a mobile/manufactured home park shall be performed as often as the Richland County Property Maintenance Division deems necessary for the enforcement of this article.
- (b) The permit holder, to whom a permit is issued by the Richland County Building Department, shall request inspections of all work allowed under such permit.

Sec. 6-210. Stop work order.

Whenever any work is performed in violation of the provisions of this chapter, the International Building Code, the Property Maintenance Code, or any other applicable provisions of law, the Property Maintenance Division shall post an order to stop work on the site and provide a written notice to the person responsible for the work being performed and the park owner. The work shall immediately stop until authorized to proceed by the Property Maintenance Division.

Sec. 6-211. General park requirements.

(a) Purpose and Scope.

- (1) The provision of this section shall apply to the construction, use, maintenance, and occupancy of lots within parks in all parts of the unincorporated areas of Richland County.
- (2) Existing construction and installations made before **June 3, 2014** may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard or in violation of the International Property Maintenance Code.
- (3) Records of mobile homes, owners and tenants; upkeep regulations for the mobile home park; premises requirements; facilities; and amenities must be kept in proper order.

(b) Responsibility.

- (1) The owner, operator, or the designated agent for the park shall be responsible for the safe operation and maintenance of all lots within the park, common areas, electrical, gas, and plumbing equipment and their installations, and all permanent buildings or structures, within the park. When not owned by the serving utility, the park is responsible for lot services, including the gas riser, water riser, lot drain inlet, and the electrical pedestal. The unit owner is responsible for the connections to those utilities.
- (2) The owner of a unit, its appurtenances, an accessory building or structure, or building component shall be responsible for the use and maintenance of the unit, its appurtenances, accessory building or structure, or building component and utility connections up to the lot, all of which shall be in compliance with the requirements of this chapter.
- (3) Any person obtaining a building permit shall be responsible for the construction or installation in accordance with the requirements of this chapter.
- (4) The operator of a park shall not permit a unit, accessory building or structure, building component, or any park utility to be constructed, installed, used, or maintained in the park unless constructed, installed, used, and maintained in accordance with the requirements of this chapter.

- (5) The person to whom a permit for a mobile/manufactured home park is issued, shall at all times operate the park in compliance with this regulation and shall provide adequate supervision to maintain the park and its facilities and equipment in safe repair and in a clean and sanitary condition. If the permit holder resides outside the boundaries of the state of South Carolina, s/he shall assign a person who resides in the county where the park is located to supervise and assume responsibility for compliance with these regulations. The assignment shall be made in writing to the Richland County Property Maintenance Division and immediately upon change of supervisor.

(c) The mobile/manufactured home park shall comply with the Richland County Code of Ordinances, Section 26-183(c), Addressing. In addition, all lots shall be identified by letters, numbers, or street address numbers. The lot identification shall be in a conspicuous location facing the roadway. If the lot identification number is to be installed on a wall surface of the unit, the wall surface facing the roadway shall be used. The letters and/or numbers shall also meet the requirements of Section 26-183(c), Addressing.

(d) Roadways.

- (1) All mobile home and manufactured home park roadways shall have a clear and unobstructed access to the public thoroughfare, except that a roadway may have security gates, if such security gates are not in violation of the Richland County Fire, Zoning, and Public Works Department requirements.
- (2) Paved roads shall be maintained free of potholes, sinkholes, or erosion.
- (3) If a park owner or operator proposes reducing the width, or changing the layout or configuration, of the park roadways from the way they were previously approved or constructed, approval shall be obtain from the Richland County Fire, Zoning, and/or Public Works Department.

(e) In every mobile/manufactured home park, lighting shall be installed in accordance to Section 26-177 of the Richland County Code of Ordinances.

(f) The mobile/manufactured home park owner and all residents of the park shall comply with Richland County's animal regulations, found in Chapter 5 of the Richland County Code of Ordinances.

(g) No person shall occupy a truck camper that has been dismantled from a truck or other vehicle, unless the truck camper is located in an approved RV park or RV park section of a mobile/manufactured home park.

(h) Refuse shall be stored, collected and disposed of as required by the International Property Maintenance Code and by Chapter 12 of the Richland County Code of Ordinances, and in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem.

Sec. 6-212. Electrical requirements.

(a) The requirements of this section shall apply to all mobile and manufactured home parks, accessory buildings or structures, and units, to the construction, installation, alteration, repair, use, and maintenance of all electrical wiring and equipment for supplying electrical energy to all units, buildings and structures.

(b) Existing electrical construction, connections, and installations made before **June 3, 2014** may continue in use so long as they were in compliance with the requirements in effect at the date of their installation and are not found to be substandard or in violation of the National Electrical Code and International Property Maintenance Code.

Sec. 6-213. Plumbing requirements.

(a) The requirements of this section shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of all plumbing equipment and installations to supply water to, and dispose sewage from, units, accessory buildings or structures and permanent buildings in all parts of the mobile/manufactured home parks in all the unincorporated areas of Richland County.

(b) Existing plumbing construction, connections, and installations made before **June 3, 2014** may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard or in violation of the International Property Maintenance Code.

(c) All plumbing shall comply with DHEC Chapter 61-40, Sections III and IV, and the International Plumbing Code.

Sec. 6-214. Sewage disposal.

(a) Every mobile/manufactured home parks drainage system shall comply with DHEC Chapter 61-40, Section IV.

(b) Onsite wastewater systems (septic tanks) shall comply with DHEC Chapter 61-56, Onsite Wastewater System.

Sec. 6-215. Fuel gas, and oil requirements.

(a) The requirements of this section shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of fuel gas and oil equipment and installations for supplying fuel gas and oil to parks, units, and accessory building or structures in all mobile/manufactured home parks in the unincorporated areas of Richland County.

(b) Existing construction, connections, and installations of fuel gas or oil made before **June 3, 2014** may continue in use so long as they were in compliance with

requirements in effect at the date of their installation and are not found to be substandard or in violation of the International Property Maintenance Code.

(c) Fuel gas equipment and installations within units, permanent buildings, and accessory structures shall comply with the International Fuel Gas Code and the International Property Maintenance Code.

(d) Fuel storage tanks or cylinders shall comply with DHEC Chapter 61-40, Section VII.

Sec. 6-216. Fire protection requirements for parks.

(a) Fire protection equipment meeting the requirements of the International Fire Code shall be installed and maintained in every park.

(b) All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

(c) In areas where fire department services are not available, the park owner/operator shall be responsible for the instruction of park staff in the use of private park fire protection equipment and their specific duties in the event of fire.

(d) No person shall construct, reconstruct, modify, or alter any installations relating to fire protection equipment within a park unless a written permit has been obtained from the Richland County Building Department and/or **the City of Columbia** Fire Department, with written evidence of approval from the fire department responsible for fire suppression in the park.

Sec. 6-217. Accessory buildings and structures.

(a) The requirements of this section shall apply to the construction, use, maintenance, and occupancy of accessory buildings or structures and building components constructed or installed adjacent to units within mobile home parks.

(b) An accessory building or structure or building component that is moved to a different location and any alterations or additions shall meet the requirements of Chapter 6 of the Richland County Code of Ordinances.

(c) No accessory structure may be attached to or be supported by a mobile home unit if the manufacturer's installation instructions prohibit attachment or transmission of loads to the unit or require freestanding structures.

(d) Playgrounds shall be kept clean and in safe conditions.

Sec. 6-218. Complaint investigations.

When a complaint is received, the Property Maintenance Division shall:

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(a) Perform an inspection on allegations of violations representing an unreasonable risk to life, health, or safety within three (3) business days; unless imminent danger is apparent, and in that case, an inspection will occur sooner.

(b) Inform the complainant that an inspection was performed and that a notice will be sent to the property owner regarding any valid code violations.

(c) A written order to correct violations shall be mailed to the property owner in accordance with Section 107 of the International Property Maintenance Code.

(d) When an inspection is performed to verify that the code violations have been corrected and the inspection reveals that the cited property owner had failed to correct the violation(s), the Property Maintenance Division shall assess an inspection fee at the following rate: thirty dollars (\$30.00) for the first failed re-inspection and fifty dollars (\$50.00) for the second or any subsequent failed re-inspection.

Sec. 6-219. Violations; Abatement.

(a) The substandard conditions and abatement requirements contained in this section shall apply to mobile home and manufactured home parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located both within and immediately outside of the park in all unincorporated areas of Richland County.

(b) Existing construction, connections, and installations made before June 3, 2014 may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard or in violation of the International Property Maintenance Code.

(c) Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public:

- (1) Health hazards or inadequate sanitation that includes, but is not limited to, the following:
 - a. Where required, the lack of, inoperable, or defective water closet, lavatory, bathtub or shower.
 - b. Where required, the lack of, inoperable, or defective kitchen sink.
 - c. Lack of or inadequate hot and cold running water to plumbing fixtures.
 - d. Dampness of habitable rooms.
 - e. Infestation of insects, vermin or rodents.

- f. General dilapidation or improper maintenance.
 - g. Lack of or defective connection of plumbing fixtures to a sewage disposal system.
 - h. Lack of adequate garbage and rubbish storage and removal facilities.
 - i. Lack of minimum amounts of required natural light and ventilation.
- (2) Structural hazards that include, but are not be limited to, the following:
- a. Deteriorated or inadequate foundations.
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - d. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - e. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (3) A nuisance.
- (4) Electrical hazards that include, but are not limited to, the following:
- a. All electrical wiring that did not conform to all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.
 - b. Lack of, inoperable, or defective required electrical lighting.

- (5) Plumbing that did not conform to all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and leakage between fixtures.
- (6) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner; and inoperable or defective heating facilities, and inoperable or defective ventilating equipment.
- (7) Faulty weather protection shall include, but not be limited to, the following:
 - a. Deteriorated roofs.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings.
 - d. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (8) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (9) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.
- (10) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (11) All buildings or portions thereof not provided with adequate exit facilities, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction.
- (12) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed to all applicable laws and regulations at the time of their construction.
- (13) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for these occupancies.

(d) Any mobile or manufactured home shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public:

(1) Health hazards or inadequate sanitation that includes, but is not limited to, the following:

- a. Lack of, inoperable, or defective water closet, lavatory, bathtub or shower.
- b. Lack of, inoperable, or defective kitchen sink.
- c. Lack of or inadequate hot and cold running water to plumbing fixtures.
- d. Dampness of habitable rooms.
- e. Infestation of insects, vermin, or rodents.
- f. General dilapidation or improper maintenance.
- g. Lack of or defective connection of plumbing fixtures to a sewage disposal system.

(2) Structural hazards include, but are not limited to, the following:

- a. Deteriorated or inadequate foundation or stabilizing devices.
- b. Defective or deteriorated flooring or floor supports.
- c. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- d. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- e. Lack of adequate or defective ventilation.
- f. Lack of adequate room and space dimensions.

(3) Nuisances.

(4) Electrical hazards include, but are not limited to, the following:

- a. All electrical wiring that did not conform to all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

- b. Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.
 - c. Electrical conductors which do not have amp capacity at least equal to the rating of outlet devices or equipment supplied.
 - d. Electrical conductors which are not protected from physical damage.
 - e. Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.
 - f. Lack of operable, or defective, electrical lighting.
- (5) Plumbing hazards include, but are not limited to, the following:
- a. Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and leakage between fixtures.
 - b. Lack of effective traps providing a water seal for each plumbing fixture.
 - c. Lack of effective venting of plumbing drain piping.
 - d. Broken, unsanitary or leaking plumbing pipe or fixtures.
 - e. Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.
- (6) Hazardous mechanical equipment shall include, but not be limited to, the following:
- a. Mechanical equipment, including all heating equipment and its vent, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.
 - b. Unvented fuel burning heating appliances unless their use is permitted by all applicable laws and regulations.
 - c. Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.
 - d. Unsupported, loose, or leaking fuel supply piping.
 - e. Lack of, inoperable, or defective heating.

- (7) Faulty weather protection shall include, but not be limited to, deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.
- (8) Any mobile or manufactured home or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (9) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.
- (10) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (11) All mobile or manufactured homes or portions thereof not provided with adequate exit facilities as required by this chapter except those mobile or manufactured homes or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction, and those facilities which have not been adequately maintained.
- (12) Any mobile or manufactured home containing fossil-fuel burning appliances or an attached garage that is not supplied with an operational carbon monoxide alarm.

(e) Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public:

- (1) Health hazards or inadequate sanitation include, but are not limited to, the following:
 - a. When installed, inoperable or defective water closet, lavatory, bathtub or shower.
 - b. When installed, inoperable or defective kitchen sink.
 - c. When installed, inadequate hot and cold running water to plumbing fixtures.
 - d. Dampness of habitable rooms.
 - e. Infestation of insects, vermin or rodents.
 - f. General dilapidation or improper maintenance.

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- g. When installed, defective connection of plumbing fixtures to a sewage disposal system.
 - h. Lack of minimum amounts of required natural light and ventilation.
- (2) Structural hazards, which include, but are not limited to, the following:
- a. Deteriorated or inadequate foundations or stabilizing devices.
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - d. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - e. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
 - j. Lack of, inoperable, or defective required ventilating equipment.
- (3) Nuisance.
- (4) Electrical hazards include, but are not limited to, the following:
- a. All electrical wiring that did not conform to all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.
 - b. Lack of, inoperable, or defective required electrical lighting.
- (5) Plumbing that did not conform to all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and leakage between fixtures.

- (6) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner, or is inoperable or defective.
- (7) Faulty weather protection, which includes, but is not limited to, the following:
 - a. Deteriorated roofs.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings.
 - d. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (8) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (9) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.
- (10) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.
- (11) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (12) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (13) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

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(f) Abatement.

- (1) The registered owner of a unit, accessory building or structure, or building component that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.
- (2) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

(g) Notice of violation, complaints, and order to correct.

- (1) Whenever the Property Maintenance Division finds a condition that constitutes a violation of this chapter, the International Property Maintenance Code, or any other applicable provision of law, the Property Maintenance Division, in accordance with the International Property Maintenance Code shall provide a written notice to the person or entity responsible for correction of the violation.
- (2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated, and shall order its abatement or correction within thirty (30) days after the date of notice or a longer period of time as allowed by the Code Official.
- (3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park, the owner or operator of the park.
- (4) Whenever the Property Maintenance Division determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent danger representing an immediate risk to the life, health, or the safety of an occupant, the Property Maintenance Division shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the Code Official. At the time of the posting, the Code Official shall issue a notice as described in this section to the registered owner. A copy of the notice shall be issued to the occupant of the unit, or accessory building or structure, or permanent building, if the occupant is not the registered owner.

(h) Final notice requirements and appeals.

- (1) If the initial notice from the Property Maintenance Division has not been complied with on or before the date specified in the notice, the Code Official may institute proceedings against the cited person or entity.
- (2) The Code Official shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property

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where the cited unit, structure, or property is located, a final notice of violation or notice to abate the violation in accordance with the International Property Maintenance Code and that shall contain at a minimum the following:

- a. The date the notice is prepared;
 - b. The name or names of the responsible person or entity;
 - c. A list of the uncorrected violation(s) cited;
 - d. A final compliance date;
 - e. Notice of the right to request an informal conference, if one has not been requested previously with regard to the identified violations;
 - f. The right to request a hearing with the Building Codes Board of Appeals, but only after the denial or after the conclusion of the informal conference;
 - g. A statement that any willful violation is a misdemeanor.
- (3) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, to the legal owner of the property as indicated on the permit to operate application and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served in accordance with state requirements.
- (4) If, after the re-inspection of an order to correct a violation, the Code Official determines that the cited person has made reasonable progress to abate the violation, or that circumstances beyond the control of the cited person have interfered with compliance or slowed compliance, the Code Official, in its sole discretion, may extend the period for compliance.
- (i) Consequences of failure to abate.
 - (1) It is unlawful for the person ordered to abate a violation to fail or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the Code Official has the authority to initiate prosecution of violation in accordance with Section 106 of the International Property Maintenance Code, including, but not limited to, seeking a court order for abatement.
 - (2) Notwithstanding the provisions of paragraph (1), above, if a violation poses an imminent danger representing an immediate risk to life, health, and safety and requires immediate correction, the Code Official has the authority to initiate any appropriate action or proceeding to abate a violation if abatement is not complete within the time period allowed by the notice of violation and order.

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- (j) Responsibility for Costs.
 - (1) The registered owner of the unit or any other cited person or entity that fails to correct a violation or abate a nuisance within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the Property Maintenance Division's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the Property Maintenance Division related to the abatement activity.
 - (2) If the unit is in such condition that identification numbers are not available to determine ownership, or the Property Maintenance Division is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit is located shall be liable for such costs.
- (k) Removal.
 - (1) A unit, permanent building, accessory building or structure or building component which has been ordered to be removed due to the existence of violations or a nuisance shall be removed in a manner consistent with local, state, and federal law.
 - (2) The owner or responsible person of a mobile home or manufactured home that has been ordered to remove or abate the unit shall have the title, license plates, decal, and the federal labels, if available, forwarded to the appropriate authority to have the unit removed from their records.

Sec. 6-219. Informal conference, hearings, and appeals.

- (a) Purpose and scope.
 - (1) The provisions of this section apply to the procedures available to a cited person who has received a notice of a violation ordering abatement or correction of a violation of this chapter, the International Property Maintenance Code or any other applicable provision of law, issued by the Property Maintenance Division.
 - (2) A request for an informal conference or hearing will not extend the time for correction of immediate risks to life, health, or safety.
 - (3) None of the procedures for the appeal and subsequent hearing process extends the time allowed for the correction of violations noted in the original notice of violation or notice of abatement noted in subsequent notices of violation issued to the same person or about the same situation unless:

- a. An extension of time allowed for the correction of violations is contained in the written determination provided by the Code Official pursuant to subsection (Informal Conference); or
 - b. An extension of the time allowed for the correction of violations is contained in the final decision issued by the Building Codes of Appeals pursuant to section 6-75 of the Richland County Code of Ordinances.
- (b) Informal conference.
- (1) An informal conference related to a violation shall occur at the time and place scheduled and shall provide the person requesting the conference with the opportunity to explain to the representatives of the Property Maintenance Division each issue disputed and the facts and circumstances of each dispute.
 - (2) Within ten (10) working days of the completion of the informal conference, the Code Official shall provide a written notification of its determination, to the person who requested the conference.
 - (3) The written determination shall sustain, overrule, or modify the original notice of violation that contained each issue disputed at the informal conference. Modification may include:
 - a. Changes to the original violation cited.
 - b. Where necessary to provide a reasonable time for compliance, an extension of the time within which the modified required corrective action shall be completed. The extension of time shall not exceed thirty (30) calendar days, or such longer period of time allowed by the Code Official, from the date of the Code Official's written determination or greater period of time as determined by the Property Maintenance Division.
 - (4) The written request for an informal conference shall be considered withdrawn if the person who submitted the request:
 - a. Does not appear at the mutually-agreed upon time and place scheduled for the informal conference, and
 - b. Does not notify the Property Maintenance Division, within five (5) calendar days prior to the date on which the informal conference was scheduled, with written confirmation of the good-cause reason for not appearing at the informal conference.
 - (5) If the Code Official determines that good cause exists for a postponement, the Code Official shall postpone an informal conference for a period of time not to exceed fifteen (15) working days and shall notify the person in writing of the time and date of the postponed conference. Otherwise, the Code Official shall

confirm the automatic withdrawal and, if applicable, the denial of the request due to a lack of a good-cause reason, as determined by the Code Official.

- (c) Request for hearing: appeal of decision rendered in informal conference.
 - (1) Any park owner or operator, cited person, or any registered owner of a unit, who has received a notice of violation ordering abatement or correction of a violation of this chapter, the International Property Maintenance Code, or any other applicable provision of law from the Property Maintenance Division has the right to request a hearing on the matter before the Building Codes Board of Appeals after a decision is rendered in an informal conference or the Code Official has denied the request for an informal conference.
 - (2) If a request for a hearing is not received within thirty (30) working days from the date of personal service or acknowledgment of receipt by mail of the notice, the Property Maintenance Division shall have the discretion to continue abatement proceedings.
 - (3) If a hearing is requested, the appellant shall submit an application and pay the associated fee to the Property Maintenance Division within thirty (30) working days of the date of the denial of a request for an informal conference, or within thirty (30) working days of the date of the Code Official's written determination, following an informal conference, if the issues contained in the notice of violation and the request for hearing were disputed at the informal conference.
 - (4) The written application for a hearing shall include:
 - a. The name, address, and phone number of the appellant;
 - b. The appellant's reasons for how the true intent of the International Property Maintenance Code or the rules legally adopted thereunder have been incorrectly interpreted, or why the provisions of the International Property Maintenance Code do not fully apply, or how the requirements of the International Property Maintenance Code are adequately satisfied by other means;
 - c. A summary of each issue to be disputed at the hearing; and
 - d. The remedy the appellant is seeking.
 - (5) Upon receipt of a request for a hearing, the Property Maintenance Division shall set a time and place for the hearing before the Building Codes Board of Appeals and shall provide the appellant with a written notice of the scheduled time and place of the hearing.
 - (6) The appellant shall have the right to apply to the Code Official for the postponement of the date of the hearing for a reasonable amount of time. The appellant shall provide a good cause for the request.

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- (7) The Code Official shall grant a request for postponement if s/he determines that the appellant has a good cause for the postponement. The appellant shall only receive one time to postpone the hearing.
- (8) In the event that a cited violation constitutes an imminent danger representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a request for a hearing shall not extend the time for the correction of the violation.
- (9) Upon receipt of the request for a hearing, the Property Maintenance Division shall not initiate any judicial or administrative action related to the defect or defects appealed until after the hearing. However, if the defect or defects cited become an imminent danger representing an immediate risk to life, health, and safety of persons or property which require immediate correction, the Code Official may demand immediate abatement or correction, and initiate any appropriate judicial or administrative action related to the defect or defects.

(d) Any cited person, owner, or other aggrieved person having any objections as to any proceedings or actions undertaken by the Building Codes Board of Appeals, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. After receipt of the final order or decision of the Building Codes Board of Appeals, an application for review shall be made in the manner and time required by South Carolina state law. For the purposes of this section, “aggrieved person” or entity is any person that claims to have been injured by actions of the Property Maintenance Division that would permit the person to file a lawsuit in court.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; is hereby amended to add a new article, to read as follows:

ARTICLE XIII. PENALTIES

Sec. 6-220. Penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500) or to imprisonment not exceeding 30 days. Each day during which such violation continues shall constitute a separate offense.

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 _____, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE ____ DAY

OF _____, 2014

Michelle Onley
Clerk of Council

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

Richland County Council Request of Action

Subject

Report of Fire Advisory Committee

Reviews