

RICHLAND COUNTY

AMENDED

**DEVELOPMENT & SERVICES
COMMITTEE AGENDA**



Tuesday, OCTOBER 26, 2021

5:00 PM

COUNCIL CHAMBERS

The Honorable A	, Chair	County Council District 5
The Honorable D		County Council District
The Honorable G		County Council District 7
The Honorable	E	County Council District
The Honorable	N	County Council District 1

RICHLAND COUNTY COUNCIL 2021



Bill Malinowski
District 1
2018-2022



Derrek Pugh
District 2
2020-2024



Yvonne McBride
District 3
2020-2024



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker III
District 6
2018-2022



Gretchen Barron
District 7
2020-2024



Overture Walker
District 8
2020-2024



Jessica Mackey
District 9
2020-2024



Cheryl English
District 10
2020-2024



Chakisse Newton
District 11
2018-2022





AMENDED

Development & Services Committee
October 26, 2021 - 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Allison Terracio

2. **APPROVAL OF MINUTES** The Honorable Allison Terracio
 - a. Regular Session: September 28, 2021 [PAGES 7-10]

3. **ADOPTION OF AGENDA** The Honorable Allison Terracio

4. **ITEMS FOR ACTION**
 - a. Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Mr. Outlaw – 726 Maryland Street) [PAGES 11-25]

 - b. Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the comprehensive plan remain consistent with the lived character of the community [Newton - July 13, 2021] [PAGES 26-32]

 - c. **Division of Solid Waste & Recycling - RC Code of Ordinances, Chapter 12 Re-Write [PAGES 33-79]**

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**
 - a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county

ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance.
[NEWTON and DICKERSON]

Staff is considering additional language to their proposal to help eliminate staff costs as well as analyzing a secondary program to facilitate a long term approach to the motion. Staff will continue to work closely together with Councilmembers Newton and Terracio in their efforts.

6. 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
Development & Service
September 28, 2021 –5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Derrek Pugh, Cheryl English and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Bill Malinowski, Yvonne McBride, Aric Jensen, Leonardo Brown, Lori Thomas, Angela Weathersby, Justin Landy, Brian Crooks, Michael Maloney, Chris Eversmann, John Thompson, Elizabeth McLean, Geo Price, Michael Zaprzalka, John Ansell, Michelle Onley and Tamar Black

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. Regular Session: July 27, 2021–Mr. Pugh moved, seconded by Ms. Newton, to approve the minutes as distributed.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. Newton, to approve the agenda as published.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. **Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and/or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the comprehensive plan remain consistent with the lived character of the community** – Mr. Brown stated staff did not have a recommendation.

Mr. Crooks stated staff recommended Council not take any action regarding this item. Council has the authority to amend the zoning maps as they see fit. In addition, with the ongoing code rewrite and update to the Comprehensive Plan, there will be regular updates and evaluations associated with zoning.

Ms. Newton noted the rewrite and Comprehensive Plan covered “the lived character of the community” part of her motion. She noted that seven (7) years was an arbitrary number. She inquired about tracts of land that were zoned in perpetuity that there be a process that triggers the re-evaluation of specific parcels.

Mr. Crooks inquired if the issue was more process related and how they went about looking at areas that may

**Development & Service Committee
September 28, 2021**

-1-

or may not be consistent.

Ms. Newton stated people can build on pre-zoned parcels without a review at any time. Her motion was trying to address this issue.

Mr. Crooks responded ultimately it is to determine if the current zoning is consistent with the Comprehensive Plan. If so, the zoning should still be appropriate because it is meeting desired development pattern and land use character. Per the evaluation, they have been going back and looking at land use decisions for the last five (5) years. They have not gone back further, but Council can request specific areas be reevaluated. He noted they could set up processes to look at previous map amendment decisions to ensure they are still consistent, but they would not know unless they were actively looking.

Ms. Newton stated she would be amendable to looking at what the process could be.

Mr. Crooks stated the principles they used for the mapping process was based on the Comprehensive Plan.

Ms. Barron inquired if there is a timeline when it comes to revising the Comprehensive Plan.

Mr. Crooks responded there is not a specific timeline. He stated they will have to do a full update in 2025, and will probably start the process in 2023, or not sooner. He noted they do have some ideas for interim updates, specifically to the future land map.

Ms. Barron inquired if they were piecing the document together as they lead up to the revision.

Mr. Crooks responded, in part, from the 2015 Comprehensive Plan, the major item implemented was the land development code rewrite. He stated having the new code in place was the fabric of what we are wanting to have with the overall plan.

Ms. Barron inquired about having a new land development code rewrite, and it not meshing well with the Comprehensive Plan and future development.

Mr. Crooks stated the code re-write started in mid-2016, but the rollout of the initial engagement started in 2017. He noted the code re-write was supposed to be a two-year process. The codes do not typically have large changes. There will probably not be a lot of difference from what we have in the current plan.

Ms. Newton inquired if the County has to do an update to the Comprehensive Plan every 5 years, and a significant revision every 10 years.

Mr. Crooks responded we do an evaluation, but an update, as a whole, is done every 10 years.

Ms. English inquired if there are legality arguments that challenge Council's authority.

Ms. McLean responded there is no legal argument.

Mr. Malinowski requested a definition for the word "blobby". He noted staff suggested adding a degree of change framework, and referenced the Memphis 3.0 Comprehensive Plan. He inquired if that is something that will be recommended as a part of the plan.

Mr. Crooks responded it is something staff will recommend as part of any future land use map updates.

Mr. Malinowski inquired if it could be implemented currently rather than waiting until 2025.

Mr. Crooks responded in the affirmative.

Ms. Newton moved, seconded by Ms. Barron, to hold this item in committee.

**Development & Service Committee
September 28, 2021**

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in a favor was unanimous.

- b. **Division of Solid Waste & Recycling – RC Code of Ordinances, Chapter 12 Re-Write** – Ms. Barron stated she would have liked a marked-up version of the previous ordinance to compare the changes.

Mr. Eversmann responded under normal circumstances it would have easily been accomplished with some strikeouts and underlines, but the old ordinance was so out of date it did not even mention a recycling program. He stated they wanted the committee to consider a comprehensive rewrite of the ordinance to address programs, updated terminologies, reflect and codify their best practices, structure and funding. He noted previously there was nothing written about the curbside collection program fee calculation. Staff would advocate that the new code would require yard waste to be bagged, boxed or bundled as it will increase the efficiency of the curbside collection program that could provide a meaningful cost savings.

Ms. Newton inquired if this item was time sensitivity and if there were any dependencies tied up in the document.

Ms. Eversmann responded the biggest one was the yard waste being bagged, boxed or bundled as an alternative that was included in the RFP from the three (3) collection areas.

Mr. Brown stated they would like to have approval so they can go to Council within the next month.

Ms. Newton stated she was concerned about the bundling, public input and education. She noted currently people are having more trouble than ever to get their yard waste picked up, and adding more work for the citizens would be challenging.

Mr. Brown noted some of the contracts are not up until February, and the idea was not to wait until the last minute, so it would give Council time to review. In addition, the contractors said the bundling would increase their ability to collect yard waste. He stated there would have to be a period of education.

Ms. Newton requested there be a conversation and community input before they make a decision.

Mr. Malinowski noted there were previous discussion about bagging, boxing and bundling yard waste, but it was always voted down. Part of the problem was the type of requirement on bagging. The previous recommendation was biodegradable bags, which was an additional cost to the consumer that is already paying for a service. He inquired about the taxpayers being give two additional roll carts for yard waste, if they want them.

Mr. Eversmann responded they did not address the composition of the bags. Roll carts for yard waste would also increase the efficiency, but it would also involve a capital cost of several million dollars. He noted yard waste was less than a page of the recommended ordinance. If the issue of yard waste becomes too problematic, it would be easily removed.

Ms. McBride stated she has concerns about the additional costs to the constituents.

Ms. Barron stated staff did a great job with the document. She noted she would like the marketing efforts be similar to what was done with the recycling program. If they are going to do an ordinance rewrite, the marketing and education should mirror, or be greater than, what was done with the recycling program, so citizens will know what is happening and how it would impact their day-to-day life.

Mr. Eversmann stated the new ordinance would address some of the disconnect between their practices and contracts.

Ms. Terracio inquired if there would be a grace period before implementation.

**Development & Service Committee
September 28, 2021**

Ms. Eversmann responded in the affirmative.

Ms. Terracio inquired if there could be a program to help provide at a reduced cost biodegradable bags.

Mr. Brown stated staff did not specify the types of bags because they did not want to put a threshold amount or requiring people to pay more money. He responded that was something to consider.

Ms. Barron moved, seconded by Ms. Newton, to hold this item in committee.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

- c. **Division of Solid Waste & Recycling – Solid Waste Management Plan** – Mr. Ansell stated the SC Solid Waste Policy and Management Act requires DHEC to create a statewide Solid Waste Management Plan. DHEC in turn requires all the counties and municipalities to create a local plan. He noted the plan before the committee is Richland County’s local solid waste management plan that will satisfy the requirement of the policy. The plan is simply how solid waste is managed today, and some of things we need to be looking forward to in the next 5 – 10 years.

Mr. Malinowski inquired if this plan was a requirement by the State and if they followed what was dictated.

Mr. Ansell responded in the affirmative.

Ms. Newton moved, seconded by Ms. Barron, to forward to Council with a recommendation to approve the Solid Waste Management Plan.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. **I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON]** –Ms. Terracio noted there was a meeting with staff about this motion last month and she looked forward to information from staff based on the internal meeting.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:54 PM.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Elizabeth McLean, Esq.		Title:	Deputy County Attorney	
Department:	County Attorney's Office	Division:			
Date Prepared:	October 05, 2021	Meeting Date:	October 26, 2021		
Budget Review	James Hayes via email		Date:	October 13, 2021	
Finance Review	Stacey Hamm via email		Date:	October 19, 2021	
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM			
Committee	Development & Services				
Subject:	Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Mr. Outlaw – 726 Maryland Street)				

STAFF'S RECOMMENDED ACTION:

Approve an ordinance granting a quit-claim deed to Mr. Marvin Outlaw for the Olympia alleyway contiguous to his property at 726 Maryland Street.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If no, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

None known.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

STRATEGIC & GENERATIVE DISCUSSION:

The County Attorney's Office received a request from the attorney for Mr. Marvin Outlaw, who owns the property at 726 Maryland Street in Olympia, to have the County grant him a quit-claim deed for the alleyway behind his property.

As a general history of this issue, the county passed an ordinance in 1982 (1003-82HR, see attached) whereby the homeowners of property contiguous to any alleyway could petition the county for a quit-claim deed to ½ of the depth of the alleyway abutting their property. The ordinance outlines the specific reasons for council's actions. The county, over the years, has quit-claimed many alleyways to contiguous property owners. Approval of the request means there are no potential claims for maintenance or liability on the quit-claimed portion.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

1. Proposed Ordinance
2. Request from Marvin Outlaw, via letter from S. R. Anderson (including Ord 1003-82HR -Olympia Alleyway Ord)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-21HR

AN ORDINANCE AUTHORIZING A QUIT CLAIM DEED TO MARVIN OUTLAW FOR A PARCEL OF LAND LOCATED IN RICHLAND COUNTY, KNOWN AS THE OLYMPIA ALLEYWAYS; SPECIFICALLY THE LAND ABBUTTING THE REAR PROPERTY LINE OF TMS#08814-02-01 (726 MARYLAND STREET).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quit claim deed to MARVIN OUTLAW FOR A PARCEL OF LAND LOCATED IN RICHLAND COUNTY, KNOWN AS THE OLYMPIA ALLEYWAYS; SPECIFICALLY THE LAND ABBUTTING THE REAR PROPERTY LINE OF TMS#08814-02-01 (726 MARYLAND STREET), as specifically described in the deed entitled "Quit Claim Deed", which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2021.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2021.

Michelle Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

LAW OFFICE OF S. R. ANDERSON
ATTORNEY AT LAW
2008 MARION STREET, SUITE J
POST OFFICE BOX 12188
COLUMBIA, SOUTH CAROLINA 29211-2188

S. R. ANDERSON

(803) 252-2828
FAX (803) 254-1935
EMAIL sraatlaw@bellsouth.net

September 24, 2021

Richland County Council
2020 Hampton Street
Columbia, SC 29201

RE: Marvin Outlaw
TMS #: 08814-02-01
762 Maryland Street
Columbia, SC 29201

Dear Sir:

I represent Marvin Outlaw with regards to the above referenced property.

I enclose the following:

1. Deed into Mr. Outlaw regarding the property known as 762 Maryland Street
2. Plat showing 762 Maryland Street with 10 foot alleyway
3. In accordance with ordinance 1003-85 Mr. Outlaw desires that County Council grant him a Quitclaim Deed as to half of the alleyway which abuts his property. I think a Quitclaim Deed has already been granted to Mr. Outlaw's neighbor on the back side of his property conveying to him half of the alleyway.

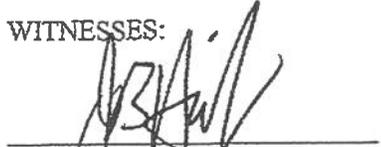
Sincerely,

S.R. Anderson

SRA/rabi
Enc
CC: Client

WITNESS Grantor's hand and seal this 9th day of ~~June~~ July, 2008.

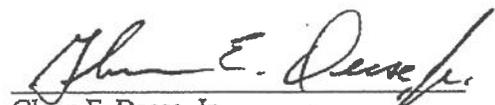
WITNESSES:







Myrtle D. Deese



Glenn E. Deese, Jr.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, a Notary Public for South Carolina, do hereby certify that Myrtle D. Deese and Glenn E. Deese, Jr., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 9th day of ~~June~~ July, 2008.



(SEAL)
Notary Public for South Carolina
My commission expires: 10/9/16

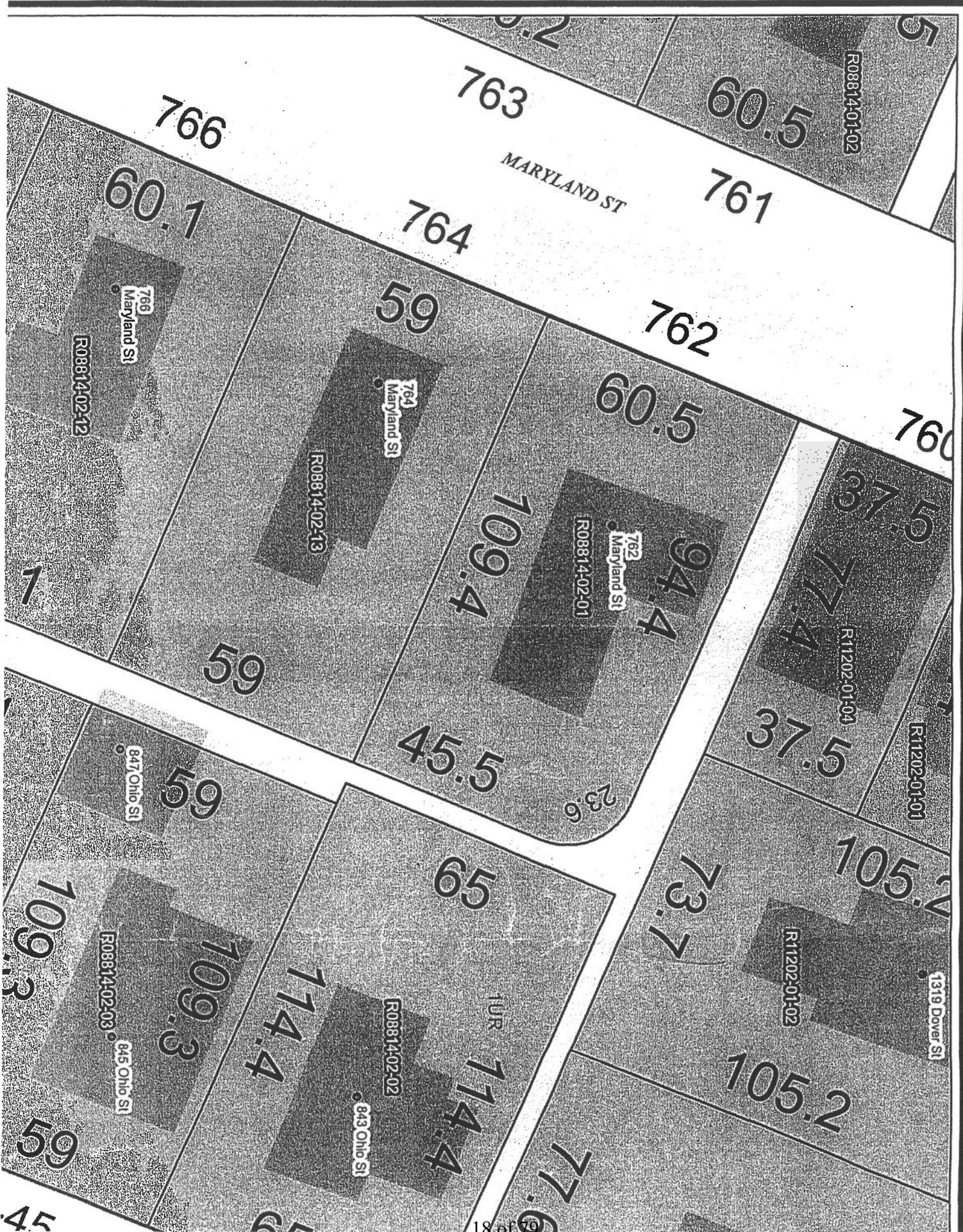
EXHIBIT A

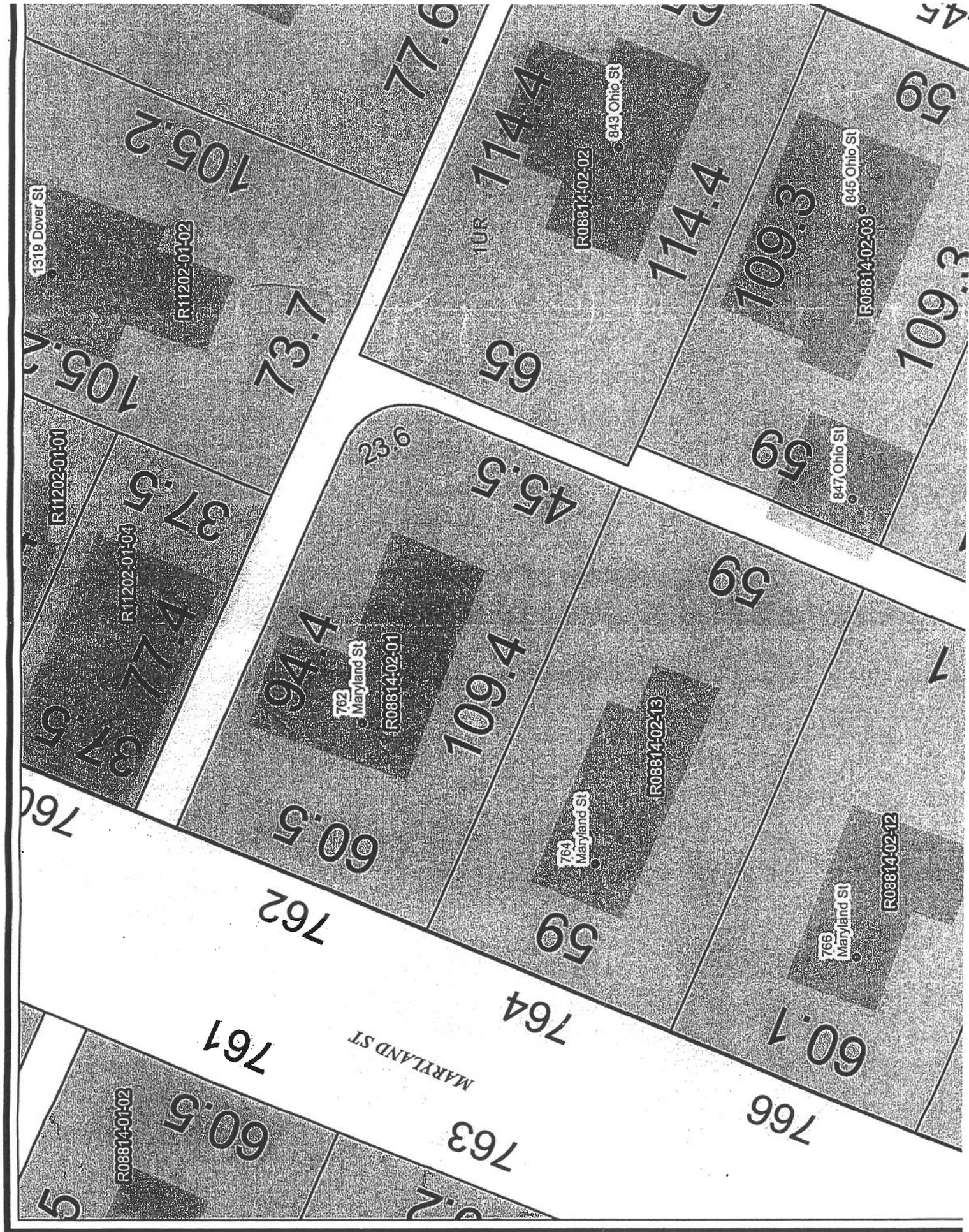
All that certain piece, parcel or lot of land, with the improvements thereon situate, lying and being on the eastern side of Maryland (formerly Seventh) Street, south of Berkeley Street or Avenue, south of the City of Columbia, in the County of Richland, State of South Carolina, said lot being shown and designated as Lot No. Four (4) in Block No. twenty-seven (27) on drawing No. 1 of map showing property of Ebert Realty Company and also showing property of Pacific Mills, said drawing made by Tomlinson Engineering Company, dated October, 1939 (with title of drawing changed to include property of Ebert Realty Company on July 15, 1940) said drawing No. 1 being recorded in the Office of the Register of Deeds for Richland County in Plat Book I at Page 76 and being bounded as follows: On the North by an alleyway ten feet wide as shown on said drawing, on which it measures to curve at the northeast side of this lot ninety-four and 4/10 (94.4') feet; on the East by an alleyway ten feet wide, as shown on said drawing on which it measures to curve at northeast side of this lot forty-five and 5/10 (45.5') feet; on the South by Lot No. 5 in said lock No. 27, as shown on said drawing, on which it measures one hundred nine and 4/10 (109.4') feet; and on the West by Maryland (formerly Seventh) Street, as shown on said drawing, on which it measures sixty and 5/10 (60.5') feet. Also known as 762 Maryland Street, Columbia, South Carolina.

This being the same property conveyed to Myrtle D. Deese by Deed of Distribution of the Estate of Glenn E. Deese, Sr. (1998-ES-32-00162) dated June 13, 1998 and recorded June 22, 1998 in the Office of the Register of Deeds for Richland County in Book 102 at Page 892. This being the same property conveyed to Glenn E. Deese, Sr. and Glenn E. Deese, Jr. by deed of Lexington State Bank recorded October 1, 1990 in the Office of the Register of Deeds for Richland County in Book 999 at Page 319.

TMS# 08814-02-01.

Myrtle D. Deese
 1431 Paul Street
 Columbia, SC 29201
 803-737-2282





Richland County Council Request of Action

Subject: Quit Claim Deeds for Vacant Property Located in the Olympia Neighborhood

A. Purpose

Council is requested to approve the ordinance(s) authorizing quit claim deeds involving two (2) pieces of vacant land in the Olympia Neighborhood in Columbia, SC.

B. Background / Discussion

In the early 1900's, several mills were established in the area of Columbia now known as the Olympia area. There were several large tracts of land which these mills controlled. Eventually, these tracts were cut up, streets established and home lots were surveyed out. When the home lots were cut out, an alleyway, 10 foot wide, was also established along the rear, and in some cases, the side property line of these lots. These alleyways are vacant and not used by the County.

In 1982, the County passed a County ordinance authorizing County landowners to apply to the County for quit claim deeds in the Olympia community – see attached ordinance (Exhibit B).

Historically, once the County received a request from a property owner in the Olympia community regarding a vacant alleyway, the County would contact the property owner and all the property owners bordering the vacant alleyway regarding their interest in receiving half of the vacant land that abuts their property.

If the property owners wanted a portion of the alleyway that borders their property, the County would give the property owner 50% of the vacant land. The remaining 50% of the vacant land would be given to the adjacent property owner. If the property owner did not have an interest in receiving the vacant land, the ownership of the entire portion of the vacant land would be deeded over to the adjacent property owner.

In August 2015, William Short requested that the County quit claim the vacant land bordering his property at 735 Maryland St. (R11203-12-13) – see red portion in the attached map.

On September 28, 2015, staff mailed letters to the property owners whose property bordered Mr. Short's property regarding their interest in receiving 50% of the vacant land. After 30 days of the date of the letter, property owner (Shelby King) contacted the County and requested to receive 50% of the vacant land bordering her property at 638 Kentucky St. (R11203-12-17). Quit claim deeds were already in place for the vacant land at the properties located at 1206 Whitney St. (R11203-12-15) & 1208 Whitney St. (R11203-12-14) – see attached deeds. Please note that the attached deeds reflect the transfer of the ownership of the lots, not the dates the deeds were recorded.

At this time, staff is requesting that Council to approve the ordinance(s) authorizing quit claim deeds for Mr. Short and Ms. King to receive 50%, or 5ft., of the vacant land that borders his property with the property owned by Shelby King.

The ordinance is attached. (Exhibit A)

C. Legislative / Chronological History

This is a staff-initiated request in response to William Short's request to claim the vacant land bordering his property at 735 Maryland St.

D. Financial Impact

There is no significant financial impact associated with this request. If the quit claim deeds are approved by Council, then the vacant land will be placed back on the County's tax rolls.

The average taxable value of the lots in the Olympia community is currently \$8,000, and the lot value of the parcels referenced in this ROA is \$8,000. Given that the County does mass appraisals and these lots have the same utility as the others and the vacant alleyway does not adversely affect the value of these lots, it is anticipated that there would not be any value increase to any of the properties. Therefore, if the quit claim deeds are approved, there would be no increase in the amount of taxes collected by the County.

Alternatives

1. Approve the request to approve the ordinance(s) authorizing the quit claim deeds.
2. Do not approve the request to approve the ordinance(s) authorizing the quit claim deeds.

E. Recommendation

It is recommended that Council approve the ordinance(s) authorizing the quit claim deeds. By doing so, this property will be placed back on the tax rolls.

Recommended by: Administration

Department: Richland County Council

Date: November 2, 2015

F. 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: 12/9/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Assessor

Reviewed by: Liz McDonald

Date: 12/15/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/7/16

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Roxanne Ancheta

Date: January 7, 2016

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the ordinance(s) authorizing the quit claim deeds. By doing so, this property will be placed back on the tax rolls.

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-16HR

AN ORDINANCE AUTHORIZING QUIT CLAIM DEEDS TO SHELBY KING AND WILLIAM SHORT FOR PARCELS OF LAND LOCATED IN RICHLAND COUNTY, KNOWN AS THE OLYMPIA ALLEYWAYS, AND ABBUTTING TMS#11203-12-17 AND 11203-12-13.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant quit claim deeds to Shelby P. King and William M. Short for certain abandon alleyways in the Olympia neighborhood, as specifically described in two deeds entitled "Quit Claim Deed", which are attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2016.

RICHLAND COUNTY COUNCIL

By: _____
Torrey Rush, Chair

Attest this _____ day of _____, 2016.

S. Monique McDaniels
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 1983-825R

AN ORDINANCE AUTHORIZING CERTAIN RICHLAND COUNTY LANDOWNERS TO APPLY TO THE COUNTY GOVERNMENT FOR QUIT CLAIM DEEDS IN THE OLYMPIA COMMUNITY.

Whereas, certain alleyways in the so-called Olympia community of Richland County have been abandoned by their owners, have become overgrown and unused by the general public, and since Richland County has determined that the alleys cannot be used for any legitimate public purpose.

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

SECTION I. Purpose and Intent.

In order to resolve the current confusion in the Olympia community of Richland County as to the ownership and proper use on the number of alleys that run between and behind the residences of the Olympia community, and to recruit the participation of the land owners of the Olympia community in eliminating a public eye sore and nuisance, this ordinance is enacted.

SECTION II. Procedure for Application for Quit Claim Deeds.

Any person who holds fee simple title to any residential lot in the so-called Olympia community of Richland County, may apply to the Office of the Richland County Administrator for a quit-claim deed, whereby the County shall convey any interest it may have to the applicant; provided that no property owner may apply for an interest in an alley greater than one-half (1/2) of the depth of the alley contiguous to his/her lot.

SECTION III. Legal Status of Olympia Alleys.

Richland County does not claim a fee simple interest in any of the Olympia alleys, but, since, the alleys have been abandoned by their owners and have fallen into general public use, the County could claim some interest by law or equity, in such alleys.

The enactment of this ordinance is not designed to assert title on the part of Richland County, but merely to expedite the conveyance of whatever interest the County may have, if any.

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.

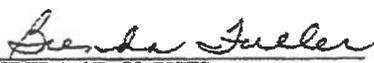
SECTION V. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI. Effective Date. This ordinance shall be enforced from and after December 15, 1982.

RICHLAND COUNTY COUNCIL

BY: 
John V. Green, Chairman

ATTEST this the 13th day of
April, 1983
1982.


CLERK OF COUNCIL



CKP File No.: 13-0078 OUTLAW
Loan Number: 155723 L36
Borrower(s): Marvin Outlaw
Property Address: 762 Maryland Street, Columbia, SC 29201

Mortgagee: Palmetto Citizens Federal Credit Union
Date of Mortgage: March 5, 2013

EXHIBIT "A"
Legal Description

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lot 4, Block 27, on a plat of property of Ebert Realty Company and Pacific Mills, prepared by Tomlinson Engineering Company, dated October 1939, and recorded in the Office of the RMC/ROD for Richland County in Plat/Record Book I at Page 76; said lot having such boundaries and measurements as shown thereon, all being a little more or less.

This being the identical property conveyed to Marvin Outlaw by Deed of Myrtle D. Reese and Glenn E. Deese, Jr., dated July 9, 2008, and recorded , in Record Book 1470, Page 2079, Richland County records.

Richland County Tax Map Number: 08814-02-01

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Planning & Development Services Staff	Title:	
Department:	Community Planning & Development	Division:	Planning & Development
Date Prepared:	September 14, 2021	Meeting Date:	September 28, 2021
Legal Review	Elizabeth McLean via email	Date:	September 21, 2021
Budget Review	James Hayes via email	Date:	September 17, 2021
Finance Review	Stacey Hamm via email	Date:	September 17, 2021
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Committee	Development & Services		
Subject:	Reverting Previously Approved Map Amendments after a Period of Non-Development		

STAFF’S RECOMMENDED ACTION:

Staff recommends taking no action in regards to the proposed motion and continuing with current initiatives and processes in conducting a continual planning program for the County.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If no, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There are no fiscal/budgetary implications related to this motion other than costs for posting of properties related to a map amendment.

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

This is a “working” copy. The County Attorney’s office may have additional suggested changes as the readings move forward and will provided its comments under separate cover.

REGULATORY COMPLIANCE:

Enacting zoning or making amendments to zoning is a legislative function of County Council as part of its police power. As such, it cannot delegate its power to approve zoning changes to a board, commission, or as an administrative function. Similarly, zoning cannot be exercised arbitrarily. Section 26-52(b) (2) a of the Richland Code of Ordinances, Land Development Code (2005 version), specifies that County Council can initiate map amendments through the adoption of a motion, among other parties.

Zoning ordinances must follow the comprehensive plan for that jurisdiction as it is the primary tool for carrying out the land use element of the comprehensive plan. Per Section 26-4 of the Richland County Code of Ordinances, Land Development Code (2005 version), "Any amendments to or actions pursuant to this chapter shall be consistent with the comprehensive plan. The comprehensive plan may be amended and the Land Development Code for Richland County shall reflect and incorporate those amendments." Further, in Section 26-52(a) of the Code of Ordinances, Land Development Code (2005 version), it is noted amendments to the text or map of the zoning ordinance "shall be made in accordance with the county's comprehensive plan."

Per Section 6-29-510(E) of the SC Code of Laws, local governments must reevaluate comprehensive plan elements at least every five years; local governments must enact changes to, or update, the comprehensive plan at least every ten years. A comprehensive plan older than ten years may be subject to a legal challenge. This section falls under the function and purpose of the Planning Commission in having a continual planning program and process.

MOTION OF ORIGIN:

"Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the comprehensive plan remain consistent with the lived character of the community."

Council Member	Chakisse Newton, District 11; Bill Malinowski, District 1; and Paul Livingston, District 4
Meeting	Special Called Meeting
Date	July 13, 2021

STRATEGIC & GENERATIVE DISCUSSION:

County Council currently has the authority and ability to do as suggested via the motion. Per Section 26-52, requests for map amendments, or rezonings as it is informally known, can be initiated via four ways: 1) Through an adopted motion by the Planning Commission; 2) Through an adopted motion by County Council; 3) Through the Planning Director or Administrator; or 4) by a property owner or their representative. Council can initiate a map amendment through their normal motion process. However, if the motion were to be adopted, it would then go through the standard map amendment procedure, i.e., including staff and Planning Commission review and recommendation and the required public postings and public hearing.

The zoning of a property stays in place until such time as it is changed. Per the code, and as a planning practice, a property should only be rezoned if it is consistent, or in compliance, with the policies set forth in the comprehensive plan. For map amendments, this primarily entails consistency with the Future Land Use Map [FLUM]. The FLUM is a direct translation of the vision and goals of the comprehensive plan into a graphic map for where and how growth and development should be occurring in order to support policies of the plan. It is the primary tool utilized in review of map amendments as requests are made. The FLUM proposes the way that an area should be growing and developing to match the vision as adopted in the plan: what the FLUM proposes may not necessarily match what an area currently is but what it should become over a ten- to twenty-year period. Ultimately, the FLUM is set up with regard to future needs and available capacity to support various needs, e.g., population and housing demand, as identified in the plan.

Per the SC Comprehensive Planning Act, the comprehensive plan and/or particular elements of it need to be reviewed periodically. As part of this review, revisions may be necessary or warranted. SC Code of Law §6-29-510(E) requires that the comprehensive plan be evaluated at least once every five years to determine whether any changes are needed; additionally, the comprehensive plan, including all elements as a whole, must be updated at least every ten years. Revisions may be recommended as necessary and warranted but are not required as part of the interim update between plans. The update process itself will inherently include changes and revisions. Similarly, as an outcome of new plan or changes to plan elements, amendments should also occur to other planning programs and tools associated with the comprehensive plan, i.e., the land development code.

The motion as stated is ultimately unnecessary and, if followed through upon as worded, problematic.

As stated above, a map amendment should only be approved where consistent with the comprehensive plan. For example, if an applicant were to request to rezone from RS-MD to NC and that request were to be approved, it should have been consistent or in compliance with the comprehensive plan. As such, that change in zoning from one district to another is in itself an appropriate zoning district for that location. Likewise, the date of when the approval was made or who the original applicant was does not matter and has no bearing for determining the appropriateness of an approval. Similarly, any request should automatically be taking into consideration the full gambit of potential uses that can be developed under that zoning versus what an applicant may claim is their intent. An applicant can express intent to establish a specific use or create a certain type of development, however, there is not guarantee that the use, development, product, etc., as proposed is what will or has to be developed. In regards to this,

any approval done by Council cannot be made contingent on that proposal or certain use being developed; this is known as contract zoning and is illegal. So, whether or not an applicant stated "this" was the plan or "that" is the use for the site, whatever is allowed is allowed and should otherwise be consistent with the comprehensive plan and FLUM for the area.

A problem with the motion arises with the follow through to rezone properties that received prior approval. Again, assuming that rezoning approvals were made where consistent with the comprehensive plan, then the zoning is appropriate as is. The zoning would be in character with the desired development and land use character for the future growth of that area, whether or not any use has been established on that property. Similarly, a connected problem exists with how, or which, properties are eyed to be rezoned. This has the potential to single out only certain properties versus looking at an area as a whole, again assuming an approval was made where consistent with the comprehensive plan. If the intent is to re-evaluate prior approvals for cases that were recommended for denial, where an approval would not have been consistent or in compliance with the comprehensive plan, then such would be an appropriate response; or the inverse.

For example, if "Land Developer and Home Builder, LLC" were to request to rezone one hundred acres in an area and would be consistent with the comprehensive plan, it should be approved. Similarly, if "Mindy Silverstone" made the same request, as long as it is consistent with the comprehensive plan it should be approved. In either example, the requests to rezone would be appropriate for the area per the comprehensive plan. Using the same examples, if an approval was thirty-five years ago, and still is consistent with the comprehensive plan, then it is appropriate whether or not development has taken place, who the original applicant was, or even who the current owner of a property is; zoning carries forward with the land through time in perpetuity. As long as it is consistent with the comprehensive plan it should not be reverted to the prior zoning due to the absence of establishing a use.

Another problem with the motion involves vested rights, and development rights more generally, and, would normally only apply where an attempt to establish a use is being pursued. In general, a vested right is a right or entitlement of a property owner to use property in a certain way or to undertake and complete the development of a property despite a zoning change that would otherwise prohibit such a use or development.

The LDC Rewrite, which is scheduled for first reading on September 28, is one of a few initiatives that will address some of the potential mismatches for how areas are zoned. The current draft of the proposed LDC includes similar language (see Sections 26-1.6, 21-1.10, 26-2.4(d) (2) c, and 26-2.5(b) of the draft) of the current LDC regarding compliance/consistency with the comprehensive plan and Council authority to initiate a map amendment. The proposed code does give slightly more liberal ability for providing approvals to map amendments than the standards within the current LDC. Specifically, these are found in Section 26-4.2(b)(4) of the draft code and allow other reasons, in addition to the comprehensive plan, for why or why not a map amendment should be approved.

In addition to the language change for map amendment decision standards, the LDC Rewrite will be looking at the remapping of the entire county. This will require that every property in the county receive a new zoning found within the regulations of the draft code. As noted during the Remapping work session and in discussion with Councilmembers individually, staff is utilizing an iterative process

following specific principles and technical rules. In general, the principles and the derivative rules seek to implement the comprehensive plan and zone properties as appropriate per the FLUM. This inherently, as a primary focus, seeks to establish consistency with where and how zoning districts are applied. Likewise, the principles also look at maintaining equivalent districts, as appropriate, at their present location where land use controls are suitable for current development. As such, the remapping process may provide for the reversal of some approved map amendments to a less intense or alternate district, though seldom likely cause a harsh change in intensities, e.g., current RS-HD to proposed RT, except for those that could be argued as spot zonings.

As noted previously, the comprehensive plan must undergo an update every ten years. PLAN Richland County was adopted in March of 2015. Staff began performing an evaluation of the comprehensive plan in the fall of 2019, but was interrupted due to the COVID-19 pandemic. The primary focus of the evaluation had been to analyze map amendments since the adoption of the 2015 plan. This has looked at how consistency has been applied through the approval or disapproval of rezonings. As an outcome of this, staff has determined that the FLUM needs to be revised to include greater prescription to the map than the blobby application it currently provides. This enhanced specificity will still allow for flexibility with the FLUM, while also giving it greater predictability for how that area should be growing regarding development. Similarly, an update to the plan in its entirety will be forthcoming in the next few years. With both the revision to the FLUM and the eventual full update, staff will be looking to implement "degree of change" as a planning tool when looking at the future growth for an area as part of the FLUM designations.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Consistency is a term that staff often uses in its reports related to map amendments. It is a concept, and a specific doctrine in planning, ensuring land use decisions such as zoning decisions are congruous with the recommendations set forth in the comprehensive plan. Ultimately, consistency presents itself in the form of how the comprehensive plan is being implemented, especially in zoning. Zoning is the primary tool for implementing the vision of the comprehensive plan. Since it is the specific law for the type of development, how that development may be created and function, and, importantly, where development can occur, it plans a critical role in bringing the comprehensive plan to life. Consistency, in relation to rezoning cases, works by looking at the recommendations of the comprehensive plan and what the zoning can achieve. If the type of development that will be allowed matches the policy guidance set forth in the FLUM, such as desired development and/or land use and character, then that decision would be deemed consistent or in compliance. This makes the FLUM a key piece of policy that staff utilizes in making its recommendations and that Council should be relying upon for how it is making its decisions in regards to map amendments, among others.

As noted earlier, the County's FLUM could be strengthened; this is not to say the map is unfunctional or inappropriate or out of date. Simply, it is too far in one type than another. It is a demonstration of one style of FLUM, blobby, that provides greater flexibility with land use decisions. This has often been referred to as "the broad brush of the plan". Here, the FLUM seeks to allow for flexibility when needed versus being overly prescriptive in nature, the opposite spectrum to blobby. In any event, it still presents the vision for where and how an area should grow and develop over a long-term time horizon. As noted above, staff will be looking to make modifications to the FLUM to help provide an additional

layer of prescription to continue allowing for flexibility and adding greater predictability for the overall FLUM.

One potential element of this includes adding a "degree of change" framework. Degree of change is a planning tool that corresponds to the pace at which an area should grow according to the established vision and policy elements. This has been a relatively new feature in helping guide plan implementation related to land use and other policy investments related to comprehensive plans. This a key feature in the City of Memphis's award winning, "Memphis 3.0 Comprehensive Plan", as well as other recent award winning plans. Ultimately, this looks at the level, intensity, scale, etc., of how an area should be growing in order to meet the vision and recommendations of the plan. This is not a tool which will stop development, it simply helps provide clarity on how quickly (rate of change) it should be occurring. Usually, these are different indicators, all of which would allow for growth and development, e.g., nurture, evolve, and transform - low, medium, and high. As part of the revisions to the FLUM staff will be looking to include a similar framework for the County.

With the LDC Rewrite entering into the Remapping process over the coming months, it will allow Council the ability to potentially look at how areas should be mapped in conjunction to the pace of growth while still being consistent with the comprehensive plan. Likewise, the Remapping process, and the described outcome of the motion, would be beneficial in addressing an inconsistent approval that has occasionally occurred. Generally, this has been an approval where a small area is zoned out of context and is not in compliance with the FLUM. Often, this would be where a property is singled out for a zoning district that is not compatible with adjacent districts and would not provide larger benefit to the community as a whole but only the property owner directly. This is often done akin to spot zoning, but would otherwise meet all criteria for moving forward with a map amendment request. As such, where there have been approvals made to allow for zoning districts in areas that would not be consistent with the comprehensive plan, those areas should be looked at as to whether they need to be rezoned to be in compliance with the FLUM and growth in that location.

One additional item that needs consideration is any sharp reversal or cumulative diminishing of adopted land use policy, e.g., changing the FLUM designation of an area from Neighborhood Medium Density to Rural. While this could serve to achieve less development or limit growth in an area, it should be looked at with how the overall area is functioning and the ultimate needs of a County as whole. Essentially, it needs to be looked at how this will impact various components related to development, e.g., water, sewer, and roadways, among others, that may have been planned or programmed to take place. Likewise, it future population and housing demands need consideration and how that would be impacted by effectively shortening and limiting the absorption potential. Essentially, sharp reversals or cumulative diminishment need to be considered carefully for how those decisions may impact the system and plan as a whole.

ATTACHMENTS [REMOVED FOR BREVITY FOR THE OCTOBER 26, 2021 COMMITTEE MEETING]:

1. South Carolina Code of Laws, "South Carolina Comprehensive Planning Act", §6-29-310 et seq.
2. Richland County Land Development Code (2005), Chapter 26, Richland County Code of Ordinances [Abridged]
3. PLAN Richland County 2015 Comprehensive Plan
4. 2018 Comprehensive Planning Guide for Local Governments, Municipal Association of SC
5. Flummoxed by FLUMs, National Planning Conference 2018 Presentation

6. Reconsidering the Role of Consistency in Plan Implementation, Zoning Practice 2021-02
7. Guiding Plan Implementation with Degree of Change, American Planning Association Planning Advisory Service Memo, July/August 2021



Agenda Briefing

Prepared by:	Chris Eversmann, PE		Title:	Deputy Director
Department:	Public Works	Division:	Solid Waste & Recycling (SWR)	
Date Prepared:	July 12, 2021	Meeting Date:	September 28, 2021	
Legal Review	Elizabeth McLean via email		Date:	September 21, 2021
Budget Review	James Hayes via email		Date:	July 13, 2021
Finance Review	Stacey Hamm via email		Date:	July 19, 2021
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM		
Committee	Development & Services			
Subject:	Richland County Code of Ordinances, Chapter 12			

STAFF’S RECOMMENDED ACTION:

Staff recommends approval of the re-write of the Richland County Code of Ordinances, Chapter 12, renamed “Solid Waste, Recycling, and Public Sanitation.”

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?		Yes	<input checked="" type="checkbox"/>	No
If no, is a budget amendment necessary?		Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

This re-write of Chapter 12 of the Richland County Code of Ordinances will generally be revenue / cost neutral in the short term (zero-to-two years). However, it may have positive fiscal impacts in the mid-to-long term (beyond two years):

- Improve the efficiency of yard waste collected at curbside;
- Place realistic limits on yard waste, bulk items, and white good collected at curbside;
- Define Municipal Solid Waste Management (MSWM) program elements and their revenue source;

These improvements will help contain costs of future County MSWM Program as well as ensure that millage and fees are appropriately set.

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

The ordinance is a "working" document. Changes are expected before second reading.

REGULATORY COMPLIANCE:

This proposed ordinance is consistent with provisions of the South Carolina Solid Waste Policy and Management Act of 1991.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

STRATEGIC & GENERATIVE DISCUSSION:

This Ordinance is completely restructured and rewritten in an effort to:

- Address / define current County Solid Waste Management (MSWM) Programs;
- Update terminology;
- Reflect / codify best practices;
- Address / define the Solid Waste Fund and revenue sources;
- Eliminate unnecessary redundancy with other Ordinance Chapters;
- Establish and document procedures for the annual calculation of uniform fee for the Residential / Small Business Curbside Collection Program;
- Establish the requirement for yard waste to be bagged, boxed, or bundled;

The re-written ordinance is contained in Attachment ‘A’. A Summary of Changes chart is included in Attachment ‘B,’ and the current ordinance is included in Attachment ‘C’.

ADDITIONAL COMMENTS FOR CONSIDERATION:

This extensive Ordinance re-write also:

- Provides a comprehensive, updated Definitions Section;
- Adds a description of the County’s Recycling Program;
- Maintains the 1.8 multiplier factor between standard and enhanced curbside collection program levels of service.

ATTACHMENTS:

1. Draft ordinance with attachments
2. Summary of changes
3. Current ordinance

CHAPTER 12: SOLID WASTE, RECYCLING, AND PUBLIC SANITATION

ARTICLE I. ADMINISTRATION

Sec. 12-1. In General.

Richland County shall manage the solid waste stream on behalf of its citizens in order to preserve and protect public health and welfare and to promote a suitable quality of life for residents and visitors. It shall perform these missions with appropriate staff, equipment, programs, and facilities and in accordance with applicable Federal and State Laws and Regulations. The task of solid waste management shall be discharged by the Director of Public Works.

Sec. 12-2. Definitions.

Any definitions contained herein shall apply unless specifically stated otherwise. In addition to the definitions contained in this chapter, the articles of this chapter shall adopt by reference the definition of terms (to the extent they are not inconsistent with definitions specifically contained herein) defined in the South Carolina Solid Waste Policy and Management Act of 1991, South Carolina Code Section 44-96-10, *et seq.* and in any regulations promulgated pursuant thereto. Any term not specifically defined will be construed pursuant to its plain and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" is always mandatory and not merely discretionary.

-A-

Agricultural operation: Raising, harvesting, or storing crops or feed, breeding or managing livestock, including the preparation of the products raised thereon for human use and disposed of by marketing or other means. It includes, but is not limited to, agriculture, grazing, horticulture, forestry, and dairy farming.

Apartment: Any building containing more than four (4) contiguous dwelling units or any group of buildings or mobile homes located on a single parcel that contains a total of six (6) or more dwelling units regardless of ownership of the dwelling units.

-B-

Bulk Waste ("Bulk Items"): Large appliances, air conditioners, furniture, mattresses, box springs, yard furniture, large toys, grills, push mowers, bicycles, and playground equipment. The following items are not considered bulk waste: Gym / exercise equipment, pianos, organs, pool tables, electronics, riding mowers, automotive equipment, fencing, decks, swimming pools (any size except small form plastic pools), animal shelters, demolition debris, building debris and any other item of such weight that two adults cannot easily lift.

Bulk Waste Container (a.k.a. – “Roll Off container”): A manufactured container suitable for emptying by mechanical equipment.

-C-

Class Three Waste: Non-hazardous commercial and industrial wastes that are permitted by SCDHEC to be disposed of in a Class Three landfill. See also: Municipal Solid Waste (MSW) and Garbage.

Class Two Waste: The waste streams listed in Appendix I, Acceptable Waste For Class Two Landfills, of SC Regulation 61-107.19, Solid Waste Management: Solid Waste Landfills and Structural Fill. The list will be posted at each County disposal facility. See also: Construction and Demolition (C&D) Waste.

Code: The Richland County, South Carolina Code of Ordinances.

Collection Area: A quasi-official subdivided area of the County for the purpose of solid waste management program administration.

Commercial Establishment: Any hotel, apartment, rooming house, business, industrial, public or semi-public establishment of any nature. See also: Apartment.

Commercial Waste: Trash and garbage generated by apartments, operation of stores, offices, restaurants and other places of business and industrial establishments (excluding industrial waste as defined herein).

Construction and Demolition (C&D) debris: Any discarded solid wastes resulting from construction, remodeling, repair, and demolition of structures, and road construction. The wastes include, but are not limited to, bricks, concrete, other masonry materials, lumber, road spoils, and paving materials, but do not include solid waste from agricultural operations or Garbage.

Contaminant / Contamination: Generally applied in the context of recycling. Items, to include plastic bags, garbage, or items not approved for the County’s Recycling Program, intermingled with items intended for pickup. The presence of this contamination may preclude pickup, causing an interruption of efficient collection operations. See also: “Non-compliant Pile / Roll Cart”, “Mixed Pile”, and “Mixed Waste.”

County: Richland County, South Carolina.

County Administrator: The Richland County Administrator.

County Council: The governing body of Richland County, South Carolina.

Curbside: The area within the right-of-way or easement immediately adjacent to a public road, highway, street, etc. For purposes of this ordinance chapter, curbside will be considered as the area within six (6) feet of the edge of the public road, highway, street, etc., unless deemed otherwise by the Director. Curbside shall not extend past the road right-of-way or easement except in those cases where the road right-of-way or easement ends at the edge of the traveled way of the road.

Curbside Collector: (a.k.a. – Collections Contractor) The person that has entered into a contract with the County to provide specified solid waste curbside collection services. The solid wastes eligible for curbside service from dwelling units and small businesses are: garbage, household waste, yard waste, recyclables, bulk items, and white goods as defined herein.

-D-

Debris: Includes, but is not limited to, miscellaneous equipment, yard toys, furniture, packaging items, shipping containers, waste tires, construction and demolition (C&D) waste, bricks, blocks, concrete, asphalt, metals, lumber, trees, tree limbs, tree stumps, brush or parts thereof, or stumps, and/or building materials or solid waste of any description that are deemed by the Director or designee to be a nuisance, potentially deleterious to public health, public sanitation and/or public safety.

Department: The Richland County Department of Public Works.

DHEC: The South Carolina Department of Health and Environmental Control.

Director: The Richland County Director of Public Works.

Disposal: The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, whether intentional or unintentional, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Disposal Facility: All contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste pursuant to a solid waste disposal permit issued by DHEC. A facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

Domicile: A residential dwelling to include single and multi-family configurations.

Dumpster: A type of movable waste container designed to be brought and taken away by a special collection vehicle, or to a bin that a specially designed garbage truck lifts, empties into its hopper, and lowers, on the spot. The word is a generic trademark of Dumpster, an American brand name for a specific design.

Dwelling unit: One or more habitable rooms which are intended to be occupied by one (1) family with facilities for living, sleeping, cooking, and eating and from which the County would collect solid waste; excludes commercial, industrial and manufacturing establishments.

-G-

Garbage: All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; bottles, cans or food containers which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects.

-H-

Hazardous waste: Those wastes that are defined as hazardous in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

Household: One or more people who occupy a dwelling unit as their usual place of residence.

Household Hazardous Waste: Any commonly used household hazardous material that is not regulated as hazardous waste when disposed of. This includes, but is not limited to, insecticides, pesticides, petroleum-based paints, lubricants, fertilizers, cleaning agents and polishing compounds. For purposes of this definition, household hazardous waste does not include gasoline or motor oil.

Household Quantities: Quantities of solid waste reasonably generated in the course of typical daily domestic activities from a dwelling unit. Household quantities typically would fit into the assigned roll cart.

-I-

Illegal Dump: A solid waste or debris pile of any size that was placed in an unauthorized location for an unauthorized purpose.

Illegal Pile: A non-compliant pile of solid waste that has not been made compliant for collection over a 15-day period of time and is, therefore, in violation of this ordinance and subject to enforcement action.

Industrial waste: Solid waste generated from industrial or manufacturing processes including, but not limited to, factories and treatment plants.

Intergovernmental Agreement (IGA): An agreement for services between the County and another governmental entity (often contained herein) whether Federal, State, or local and any department, division, unit or subdivision thereof.

-L-

Legal residence: A residential dwelling unit that is occupied by the owner of the dwelling unit, thus designated their legal residence by the county Tax Assessor. Owners may designate only one legal residence in the state.

Litter: Waste products that have been discarded, intentionally or unintentionally, without consent, at an unsuitable location. Includes items blown or thrown from a vehicle or property.

-M-

Materials Recovery Facility (MRF): A specialized facility that receives, separates and prepares recyclable materials for marketing to end-user manufacturers.

Mixed Pile: A solid waste pile, placed at curbside by the homeowner for the purpose of collection as part of the Residential / Small Business Curbside Collection Program, but which intermingles incompatible waste types and, therefore, cannot be efficiently collected for transportation and disposal. See also "Non-compliant Pile."

Mixed Waste: The intermingling of incompatible waste types (such as yard waste and garbage).

Municipal Solid Waste (MSW): Everyday items that are used and then throw away, such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. See also "Garbage."

Municipal Solid Waste Management (MSWM): A broad term that describes various policies, procedures, programs, and services that are directly or indirectly related to the safe and efficient management of the Solid Waste Stream on behalf of a Community.

-N-

Non-compliant Pile / Roll Cart: A solid waste pile or Roll Cart, placed at curbside by the homeowner for the purpose of collection as part of the Residential / Small Business Curbside Collection Program, but which does not comply with applicable standards contained herein.

-R-

Recovered Material: Those solid wastes which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream.

Recyclable Material (Recyclables): Those wastes which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. For purposes of this ordinance chapter, only those recyclables specifically listed by the county will be collected for recycling.

Residential / Small Business Curbside Collection Program: An MSWM Program, administered by the County, by which various types of solid waste (garbage, yard waste, recycling, bulk items, and white goods) are picked up by Curbside Collection contractors from single family residences and some small businesses for transportation to an appropriate disposal facility.

Residential Property: Property which contains residential dwelling units other than those defined in this section as apartments.

Roll Cart: A container, mounted on wheels, which is issued to citizens by the County for the storage of garbage or recyclables between pick up by Collection Contractors.

Roll Cart Fee: An individual fee charged for the delivery of a roll cart (garbage or recycling) for a new, or newly re-activated, service in the Residential / Small Business Curbside Collection Program. The fee is for the delivery, handling, and management of the Roll Cart; not for its purchase.

-S-

Sanitary landfill: The method of disposing of solid waste in an SCDHEC Permitted Disposal Facility by the placement of an earth cover thereon which meets the regulations promulgated by that Agency.

Scavenging: Rummaging through, taking or gathering items from County owned or privately owned solid waste management facilities or solid waste containers, including, but not limited to, bags, roll carts, bins, or roll-offs, or dumpsters of solid waste (which also includes recyclables).

Small Business: Any business entity registered with the South Carolina Secretary of State that produces no more garbage and household type waste during any county-defined solid waste collection cycle than will fill two (2) 90-gallon roll carts and has only one location inside the County. A small business becomes an “eligible small business” when a request for curbside collection service has been made and the initial Solid Waste Service Initiation Fee and Roll Cart Fee have both been paid.

Solid Waste: Garbage, household waste, debris, commercial waste, industrial waste, yard waste, white goods, ashes, rubbish, paper, junk, building materials, glass or plastic bottles, other glass, cans and any other discarded or abandoned material, including solid, liquid, semisolid or contained gaseous matter.

Solid Waste Service Fee (a.k.a. – Residential / Small Business Curbside Collection Program Fee): The annual charge established by County Council for all single family households and eligible small businesses to fund the Residential / Small Business Curbside Collection Program in the Unincorporated Area of the County.

Solid Waste Service Initiation Fee: The initial curbside collection service fee established by County Council for new households or small businesses or to re-establish service for existing single family households and small businesses where service was discontinued and Roll Carts have been removed in the Unincorporated Area of the County. Computed on a *per diem, pro rata* basis and payable before service is commenced.

Solid Waste Stream: The entire life cycle flow of the garbage produced – from putting out the garbage and recycling for pickup to landfilling, energy production, and the reuse of recycled materials.

Special Waste: Items of solid waste permitted in the solid waste stream for disposal, but not collected as part of the Residential / Small Business Curbside Collection Program such as carpet or C&D Debris.

-V-

Vehicle: Any device capable of being moved upon a public highway or road and in, upon or by which any person or property is or may be transported or drawn upon a public highway or road.

-W-

White Goods: Large appliances, usually electrical or natural gas powered, that are used domestically such as refrigerators and washing machines (often white in color).

-Y-

Yard waste: Any and all accumulations of grass, leaves, pine straw, small trees, branches, limbs, brush, shrubs, vines and other similar items generated by the typical maintenance of lawns, shrubs, gardens, and trees from residential properties or eligible small business properties. Includes branches, sticks, and limbs less than four (4) inches in diameter and less than four (4) feet in length.

Sec. 12-3. Enforcement.

- (a) Appointed Solid Waste & Recycling Code Enforcement Officers (hereinafter “Refuse Control Officers”) shall have the authority to enforce all the provisions of this chapter and may issue warning letters, warning tickets, and citations for violations of those provisions. The violator may either appear in the designated magistrate's court of the County on a date determined by the court to answer to the charged violation(s) of the appropriate

article and section of this chapter or may pay the fine and associated court costs at the magistrate court office prior to the court hearing.

- (b) If any solid waste improperly or illegally disposed of in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person prior to its being disposed of as prohibited herein, such identification shall be presumed to be *prima facie* evidence that such person disposed of or caused to be disposed of such solid waste in violation of this chapter.
- (c) Solid waste placed at curbside for collection shall be considered property of Richland County unless reclaimed by the generator of the waste. Solid waste delivered to any county owned solid waste management facility shall be considered property of Richland County. It shall be unlawful for anyone to take solid waste belonging to Richland County without prior written authorization of Richland County.
- (d) Proof of means used for proper disposal of solid wastes at businesses and commercial enterprises shall be presented to a County Refuse Control Officer when requested. This includes, but is not limited to, businesses engaged in lawn maintenance, landscaping, tree trimming / removal, and transporting of any solid waste in Richland County.
- (e) Refuse Control Officers shall use Form S-438 when issuing citations unless approved otherwise in writing by the County Administrator. These Officers may, when they deem appropriate, issue a warning letter or a warning tickets for violations of this chapter. The warning ticket shall be of a design and content approved by the County Administrator.

Sec. 12-4. Penalties.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than one thousand, ninety-two and 50/100 (\$1,092.50) dollars, or both. Each day's continuing violation constitutes a separate and distinct offense, unless otherwise specified.

Sec. 12-5. Applicability.

Provisions of this Ordinance shall apply to all Unincorporated areas within the County as well as Municipalities that subscribe to County Solid Waste Management Programs through Intergovernmental Agreement (IGA).

Sec. 12-6. Reserved for Future Use.

Sec. 12-7. Reserved for Future Use.

ARTICLE II. FINANCE

Sec. 12-8. In General.

Richland County shall assess such taxes and fees necessary to manage, administer, and enforce in an equitable and effective manner, a Municipal Solid Waste Management (MSWM) Program as described herein.

Sec. 12-9. Solid Waste Fund.

Richland County shall maintain a Solid Waste Fund for the purpose of paying for a Municipal Solid Waste Management (MSWM) Program, and associated support activities. The Fund shall be maintained through the collection of various fees, taxes, and other revenues such as grants. A fund balance equal to half of the average annual operating costs of the Solid Waste & Recycling Division over the past three-year period shall be the financial goal. Bond revenue for solid waste related capital projects shall be otherwise accounted for and not considered as part of the Solid Waste Fund. Current and future Host County Fee payments for the siting of solid waste facilities within the County shall be directed to the Solid Waste Fund.

Sec. 12-10. Millage.

Richland County shall levy a countywide millage, to include all municipalities therein, for the purpose of raising revenue to generally cover the cost of:

- Countywide-generated residential Municipal Solid Waste (MSW) disposal in a Class Three Landfill
- Administration of a Countywide Solid Waste Management Program
- Countywide-generated residential disposal of C&D Debris and Yardwaste in an appropriate, SCDHEC permitted Landfill (this does NOT include Contractor-generated waste from residential construction, or tree removal / pruning / trimming)
- Operation of County Drop-Off and Recycling Centers
- Processing of recyclable materials generated by the County Residential / Small Business Curbside Collection Program and Special Recycling Events

This charge shall appear on County Real and Personal Property Tax Notices.

Sec. 12-11. Fees.

A schedule of solid waste related fees charged by Richland County is contained in Attachment 'A' to this Chapter. These fees shall be reviewed and established on an annual basis in order to cover the cost of associated solid waste services. These fees shall generally cover the cost of:

- The Residential / Small Business Curbside Collection Program

Disposal of C&D Debris and Yardwaste in a County Operated Landfill (generated by non-residential customers – businesses and governmental entities)
Processing of other specialized recycling material such as Electronic Waste, Tires, or Mattresses

The fee for the Residential / Small Business Curbside Collection Program shall appear on County Real Property Tax Notices. All other fees will be collected or invoiced at the point of sale.

Sec. 12-12. Grants.

The Director of Public Works shall participate in applicable grant programs, either recurring or individual, administered by SCDHEC, or other entities, for the purpose of mitigating local costs and projects associated with MSW Management and solid waste reduction and recycling on behalf of Richland County.

Sec. 12-13. Partial Year Assessments for the Residential / Small Business Curbside Collection Program.

- (a) All new service Residential / Small Business Curbside Collection Program customers (new residence or newly activated service) shall be charged a Partial Year Fee for the initial, partial year of curbside collection service received at the designated service level.
- (b) Partial year service fees for new residences shall be computed on a *pro rata* basis and paid along with the Roll Cart Fee following the issuance of the Certificate of Occupancy (CO).
- (c) Thereafter, annual fees will be charged on the Real Property Tax Notice. It shall be the duty of the Auditor to include the assessment with the annual property tax notices.

Sec. 12-14. Annual schedule of fees and assessments.

The Director of Public Works shall, on an annual basis and concurrent with the Budget Process, review and update a Master Schedule of all solid waste fees for the purpose of ensuring adequate revenue for associated, fee-based solid waste management programs established herein. This schedule shall be reviewed and approved by County Council annually.

Sec. 12-15. Determination of assessments; inclusion in tax notice.

- (a) The Director of Public Works shall maintain and reconcile, on at least an annual basis, a complete list of all Residential / Small Business Curbside Collection Program customers and their designated program level of service. This list shall serve as the basis for monthly contractor payment and annual tax notice issuance by the Auditor. The levels of service and their associated multipliers follow:

- Standard (S) curbside placement / collection of MSW and Recycling (1.0 multiplier);
- Backyard (B) placement / collection of MSW and Recycling (1.8 multiplier);
- Disability – Backyard (DB) placement / collection of MSW and Recycling (1.0 multiplier).

(b) These levels of service and their associated multipliers of the uniform fee shall be applied by the Auditor to Annual Real Property Tax Notices.

Sec. 12-16. Reserved for Future Use.

Sec. 12-17. Reserved for Future Use.

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ARTICLE III. RESIDENTIAL / SMALL BUSINESS CURBSIDE COLLECTION PROGRAM

Sec. 12-18. In General.

The County shall provide a program of regular collection of Municipal Solid Waste (MSW) from single family residences as well as from eligible small businesses and local entities such as churches and neighborhood facilities within the unincorporated County. This service may be extended to like customers within small municipalities based on Intergovernmental Agreement (IGA) and assessment of program fees. No solid waste of any kind, or roll cart, shall be placed in or near a stormwater drainage course so as to impede the flow thereof. All Roll Carts, piles, and bulk items placed at curbside with the intention of pickup as part of the Residential / Small Business Curbside Collection Program are subject to inspection by County Solid Waste Staff or their agents for compliance with standards contained herein.

Sec. 12-19. Conditions for Residential / Small Business Curbside Collection Program.

Solid Waste collection shall be provided under the following conditions:

- Unincorporated areas of the County, or
- Small Municipalities covered by an IGA for solid waste services, and
- Residential, Single family homes, or
- Residential, Duplexes, Triplexes, or Quadraplexes, or
- Small / home-based businesses located within residential areas, or
- Ancillary facilities located within residential areas such as recreation centers or Churches that generate small volumes of solid waste, or
- Other facilities located within residential areas that generate small volumes of solid waste and, in the judgment of the Director of Public Works, would practically benefit from participation in this program.

Sec. 12-20. Garbage.

- (a) Garbage shall only be collected from residential and small businesses in residential areas by Collection Contractors who are employed by the County.
- (b) Garbage shall be collected in the unincorporated portion of the County by roll cart service under the following conditions:
 - 1) One (1) Roll Cart shall be issued to each single family residential household / small business in the unincorporated area of the County. These roll carts shall remain the property of the County for use by the household to which they are issued. Residents who damage roll carts issued to them shall pay for repairing or replacement of the carts. Carts that are damaged as a result of mishandling by collection contractors will be repaired at County's expense.

- (c) Eligible Small Business entities participating in this program may receive up to two (2) roll carts if requested and paid for.
- (d) Roll Carts shall be placed at curbside of the nearest public road, no later than 7:00 a.m. on the day of collection. Roll Carts shall be removed from the curbside by the residents no later than 7:30 p.m. on the designated day of collection.
- (e) For residential collection, small quantities of garbage in excess of the capacity of the roll cart will be collected if neatly placed in tied plastic bags and placed at curbside along with the roll cart.

Sec. 12-21. Yard waste.

- (a) Yard waste shall only be collected from residential and small businesses in residential areas by Collection Contractors who are employed by the County.
- (b) Yard waste shall be collected in the unincorporated portion of the County under the following conditions:
 - 1) Yard waste (Sticks, hedge clippings, and small brush) shall be bagged, boxed, or bundled in order to facilitate efficient pick up. A volume roughly equivalent to two (2) roll carts (180 gallons / or a pile measuring approximately six feet (6') in length, three feet (3') in width, and two feet (2') in height) / or six, 30-gallon yard waste bags) shall be placed within six (6) feet of curbside of the nearest public road and shall be collected on a designated day.
 - 2) Larger tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet and stacked in a neat, compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets.
 - 3) Exclusions: Tree trunks, branches and limbs having a length greater than four (4) feet and diameter greater than four (4) inches are not deemed yard waste, thus are not eligible for curbside collection. Waste generated from either a tree removal (including the stump) or de-limbing of a tree greater than four (4) inches in diameter at the tree base at ground level is not considered yard waste, thus is not eligible for curbside collection. Re-sizing waste from a tree removal, from a stump removal or from de-limbing an ineligible tree to make it meet the above dimensions does not make it eligible for curbside collection. Waste generated from clearing a lot or cutting shrubbery back to the stump or trunk is not considered yard waste, thus is not eligible for curbside collection.

- (c) Dirt, sand, and mulch, other than those small residual quantities incidental to yard waste collection, shall not be accepted for curbside collection.

Sec. 12-22. Recycling.

- (a) Recycling shall only be collected from residential and small businesses in residential areas by Collection Contractors who are employed by the County.
- (b) Recycling shall be collected in the entire unincorporated portion of the County by roll cart service under the following conditions:
 - 1) One (1) Roll Cart shall be issued to each single family residential household / small business in the unincorporated area of the County. These roll carts shall remain the property of the County for use by the household to which they are issued. Residents who damage roll carts issued to them shall pay for repairing or replacement of the carts. Carts that are damaged as a result of mishandling by collection contractors will be repaired at County's expense.
- (c) Roll carts shall be placed at curbside of the nearest public road, no later than 7:00 a.m. on the day of collection. Roll Carts shall be removed from the curbside by the residents no later than 7:30 p.m. on the designated day of collection.
- (d) Authorized recyclable materials previously containing food or beverages shall be properly prepared by the resident prior to placement in the recycling roll cart. Aerosol cans shall be excluded from the recycling stream. Cardboard shall be broken down / flattened for efficient handling and collection. Recycling shall not be mixed with garbage or other contaminants. Recyclable materials shall not be placed in bags.
- (e) Collection Contractors may refuse to collect curbside recycling if the material is found to be contaminated by non-recyclables. Collectors may attach information to the Roll Cart explaining why the material was not collected. The resident shall remove the non-recyclable material identified as contamination before the next scheduled recycling collection day in order to be serviced.
- (f) The Director of Public Works shall, on an annual basis, review the official list of commodities eligible for recycling based on market conditions and recommend additions or deletions to the County Administrator. The Director of Public Information shall lead and manage the public information campaign necessary to this program.

Sec. 12-23. Bulk Items (a.k.a. "Brown Goods").

Residential / Small Business curbside collection customers may request, at no extra charge, the pickup and disposal of Bulk Items such as indoor and outdoor furniture, large yard toys, mattresses, *etc* by requesting an appointment for pickup. Bulk Items shall only be placed at

curbside following a confirmed, scheduled appointment for pickup and shall not remain at curbside indefinitely. Limit of four items per appointment request.

Sec. 12-24. White Goods.

White Goods shall be collected and managed in the same manner as Bulk Items. All large appliances, such as refrigerators, shall have doors removed prior to placement at curbside.

Sec. 12-25. Enhanced (“Backyard”) Service.

- (a) An enhanced level of service (a.k.a. – “Backyard Service”) shall be made available to neighborhoods that request it and have established Homeowners’ Association (HOA) covenants supporting same as well as to individual homes in which the occupants cannot physically place their garbage or recycling roll carts at curbside for standard pickup.
- (b) Neighborhoods desiring a higher level of service may request backyard pick-up pursuant to the following conditions:
 - 1) The subdivision must have a duly organized, active Homeowners Association (HOA) and such request shall be made by said association.
 - 2) At the time that the HOA requests the higher level of service, said association shall provide either a certified true copy of the results of a certified ballot mailed to each homeowner and tallied by a certified public accountant (CPA), or a certified true copy of the minutes of the meeting where the decision was made by majority vote to request said higher level of service. Said minutes shall be signed and attested by the President and Secretary of the HOA; the association must also certify that all homeowners were notified of the meeting at least ten (10) days in advance and must furnish a copy of the notice.
 - 3) At the time that the HOA makes the request, said association shall clearly define the geographic boundaries of the area encompassed in the request, including tax map sheet references.
 - 4) All requests for an enhanced level of service (backyard pick-up) shall be made to the Director of Public Works and approved by the County Administrator.
 - 5) Under no circumstances shall the county provide the higher level of roll cart service (backyard pick-up) to any subdivision which does not have deed restrictions which prohibit curbside pick-up.
- (c) Disabled citizens may receive enhanced (“backyard”) service for roll cart (garbage and recycling) service collection at no extra charge. This special exception may be granted when the General Manager of Solid Waste & Recycling determines that there is no

capable adult readily available who is physically capable of rolling the cart to and from the curb. Application for this consideration must be in the form of a letter from the attending physician and needs to be updated annually.

Sec. 12-26. Uniform Fee Structure.

The Fee Structure used to generate revenue for the Residential / Small Business Curbside Collection Program shall be normalized and uniform throughout all areas served (Unincorporated County and Small Municipalities through IGAs) such that variations in collection area locations, collection contractor bids, or development density or do not cause undue financial burden to individual customers. The Director of Public Works shall, on an annual basis, update the calculation of the fee in advance of annual distribution of real property tax notices. A multiplier to the uniform fee for basic service shall be applied for neighborhood Enhanced (“Backyard”) Service. A sample calculation is contained in Attachment ‘B’ to this Chapter.

Sec. 12-27. Small Business (Quasi-Residential) Service.

(a) Though the intent of the Residential / Small Business Curbside Collection Program is to primarily serve single family residential customers, there are others for whom providing this service is appropriate, convenient, and efficient. Such quasi-residential customers are generally referred to as “eligible small businesses” (even though they might not technically be a “small business”, *per se*) and may include:

- Duplex through Quadraplex residential customers;
- Other residential customers besides Apartments;
- Neighborhood pavilions or recreation centers;
- Small, home-based businesses;
- Small local government facilities such as fire / EMS stations;
- Churches.

(b) Additionally, in order to participate in this program, such facilities must:

- Be physically located along an established residential collection route;
- Generate quantities and types of solid waste consistent with typical single family residences;
- Pay all associated solid waste fees and taxes;
- Be approved by the Director of Public Works for participation in the program.

Sec. 12-28. Roll Carts.

Roll Carts of approximately 90-gallon capacity shall be used in the collection of solid waste when deemed efficient and effective. Roll Carts shall be purchased, owned, delivered, and collected by the County or its designated agent. Fees may be charged for initial Roll Cart delivery or replacement. A fee for repair, replacement and delivery may be charged to the home owner in

the event of damage or destruction due to negligence or theft. Roll Carts shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide by the user thereof, if necessary, to prevent nuisance.

Sec. 12-29. Items ineligible for Residential / Small Business Curbside Collection Service.

- (a) Dead animals. Dead animals shall not be collected. Dead household pets shall be collected by the County Department of Animal Care if placed in plastic bags at curbside and if that Department is notified. Proper disposal of all other dead animals shall be the responsibility of property owners.
- (b) Building materials. The County shall not be responsible for collecting or hauling discarded building material, dirt, rock, or industrial and hazardous waste.

Sec. 12-30. Exemption from roll cart service and fees for disabled homeowners.

- (a) An exemption from roll cart service and fees for disabled homeowners in the unincorporated areas of the county is available. Such handicapped homeowners shall apply for said exemption to the General Manager of Solid Waste & Recycling. Such applicant must be handicapped and housebound and must live next to a relative or caretaker who shall agree to assume responsibility for the handicapped homeowner's garbage disposal. Application for this consideration must be in the form of a letter from the attending physician and needs to be updated annually.
- (b) The Director of Public Works shall recommend approval or denial of the handicapped homeowner's application for exemption from roll cart service and fees. Final approval or denial of exemption from Roll Cart service and fees shall be made by the County Administrator.

ARTICLE IV. DROP OFF CENTERS AND SPECIAL COLLECTION EVENTS

Sec. 12-33. In General.

The Director of Public Works may maintain additional solid waste facilities and conduct such special events for the purpose of augmenting the efficient collection of various types of Solid Waste and recyclable materials from County residential customers. These facilities may collect materials that are permitted in the waste stream for disposal or recycling, but not included for collection at curbside. These facilities shall not receive garbage. These facilities shall not receive any waste generated outside of the County. Only County residents are authorized to use County Operated Drop Off Centers.

Sec. 12-34. Construction & Demolition (C&D) Debris.

Drop Off Centers may accept for disposal or recycling Construction & Demolition (C&D) Debris generated by County Residents, performing home improvement projects on their Residential Property. The Director of Public Works may prescribe quantity limitations based on efficiency and facility limitations.

Sec. 12-35. Yard waste and landscaping debris.

Drop Off Centers may accept for disposal, Yard Waste and Landscaping Debris generated by County Residents, performing yard maintenance at their Residential Property. The Director of Public Works may prescribe quantity limitations based on efficiency and facility limitations.

Sec. 12-36. Recycling.

Drop Off Centers may accept for recycling, various items, generated by County Residents at their domiciles. The Director of Public Works may prescribe commodity and quantity limitations based on efficiency and facility limitations.

Sec. 12-37. Bulk Items.

Drop Off Centers may accept for disposal, Bulk Items generated by County Residents at their domiciles. The Director of Public Works may prescribe quantity limitations based on efficiency and facility limitations.

Sec. 12-38. White Goods.

Drop Off Centers may accept for disposal, White Goods generated by County Residents at their Residential Property. The Director of Public Works may prescribe quantity limitations based on efficiency and facility limitations.

Sec. 12-39. Special Collection Events.

The Director of Public Works may conduct on occasion, either on an individual basis or in partnership with municipalities or neighboring counties, Special Collection Events to promote the proper collection and disposal or recycling of items such as paint, household hazardous waste, sensitive documents for shredding, tires, electronic waste (ewaste), and scrap metal / white goods. The Director of Public Works may prescribe commodity and quantity limitations based on efficiency and facility limitations.

Sec. 12-40. Community “Clean Sweep” Events.

The Director of Public Works may conduct a program to support volunteer citizens efforts at the neighborhood level to clean up and beautify their communities.

Sec. 12-41. Reserved for Future Use.

ARTICLE V. RECYCLING

Sec. 12-42. In General.

- (a) The County shall, consistent with State Law, conduct a program of residential recycling in order to:
- Conserve Natural Resources and Landfill Space;
 - Promote economic development and security;
 - Protect the environment;
 - Conserve energy
- (b) The County shall also promote and encourage commercial and business recycling. Participation in recycling programs is encouraged and voluntary.

Sec. 12-43. Residential Recycling.

Residential recycling will primarily be promoted through the Residential / Small Business Curbside Collection Program and may be supplemented through collections at Special Collection Events and Drop Off Centers.

Sec. 12-44. Commercial and Business Recycling.

Commercial and Business Recycling will primarily be promoted through education and voluntary reporting.

Sec. 12-45. Commodities.

The Director of Public Works shall, on an annual basis, and in consultation with the General Manager of Solid Waste & Recycling, recommend to the County Administrator, a list of commodities to be included in the Residential / Small Business Curbside Collection Program. This recommendation shall be based on forecasts of recycling commodities' market conditions. The County Director of Public Information shall promote and publicize current information regarding commodities for recycling.

Sec. 12-46. Recovered Materials.

Materials collected through all County Recycling Programs are County property. The County shall ensure the services of a Materials Recovery Facility (MRF) in order to process recovered materials

for recycling. Any revenue generated from the sale of recovered materials shall be deposited into the Solid Waste Fund.

Sec. 12-47. Reporting.

The County shall account for and report recycling activity in a form and manner consistent with State and Federal law.

Sec. 12-48. Reserved for Future Use.

Sec. 12-49. Reserved for Future Use.

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ARTICLE VI. TRANSPORTATION AND DISPOSAL OF SOLID WASTE

Sec. 12-50. In General.

The transportation and disposal of solid waste shall be conducted by authorized personnel and in accordance with all applicable State and Federal Laws.

Sec. 12-51. Transportation of Solid Waste.

- (a) It shall be unlawful for any person to haul, convey or cause to be conveyed any refuse upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking, or being blown from transporting vehicles. The owner or driver of the offending vehicle shall be personally responsible for any violation of this section.
- (b) It shall be a violation of this article for any person not authorized by the County to collect and haul any refuse other than that arising from his or her own accumulation within any area of the County in which solid waste collection service is provided by the County.

Sec. 12-52. Use of County operated solid waste management facilities.

Only County residents or specifically authorized agents of the County (*i.e.* – Curbside Collection Contractors) are authorized to use County operated solid waste management facilities, including landfills, as determined by the Director of Public Works. Such solid waste management facilities shall, under non-emergent conditions, only accept solid waste that is generated within the County. Fees may be charged in a consistent, uniform, and equitable manner.

Sec. 12-53. Garbage.

Garbage shall only be disposed of in an appropriate Class Three Landfill permitted by the South Carolina Department of Health and Environmental Control (SCDHEC).

Sec. 12-54. Construction & Demolition (C&D) Debris.

C&D Debris shall only be disposed of in an appropriate Class Two Landfill permitted by the South Carolina Department of Health and Environmental Control (SCDHEC).

Sec. 12-55. Other Common Waste Types.

Other commonly generated waste types, such as Electronic Waste (e-waste), Tires, Mattresses, or “Household Quantities” of Hazardous Waste shall be accepted and disposed of (or recycled) by the County in appropriate manners at permitted facilities.

Sec. 12-56. Reserved for Future Use.

Sec. 12-57. Reserved for Future Use.

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ARTICLE VIII. ENFORCEMENT

Sec. 12-58. In General.

The Director of Public Works shall maintain a Refuse Control Section composed of duly appointed Codes Enforcement Officers who shall enforce the provisions of this Chapter.

Sec. 12-59. Littering.

It shall be unlawful for any person to discharge litter, in any quantity, from their person, vehicle, property, or any other conveyance.

Sec. 12-60. Illegal Dumping.

- (a) It shall be unlawful for any person to dump, allow another person to dump, or cause to be dumped any garbage, debris, household trash, litter, junk, appliances, equipment, cans, bottles, paper, trees, tree limbs, tree stumps, brush or parts thereof, or any other solid waste, anywhere in the unincorporated area of the county, except at an SCDHEC approved landfill. Failure of the owner to sufficiently limit access to the property where dumping is occurring shall be considered to be allowing another person to dump, thus would be unlawful.
- (b) The above provisions shall not apply to the dumping on private property, with the owner's written permission of sand, dirt, and stone for use as a fill to raise the elevation of land; provided, the same is not maintained in an unsightly condition and, further provided, the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment to ensure compliance with best management practices for stormwater management.

Sec. 12-61. Covering vehicle loads.

It shall be unlawful for vehicles of any kind, transporting solid waste in any quantity, to fail in ensuring that said waste is contained therein by maintaining an adequate cover and containment throughout transit.

Sec. 12-62. Debris on Lots.

- (a) Declaration of nuisance. Debris allowed to accumulate and remain on any lot or parcel of land in a developed residential area within the county may be deemed and declared a nuisance in the judgement of the County Director of Public Works. For the purpose of this action, "residential area" is defined as property zoned for a residential use, platted for residential use with a plat having been begun, installation of utilities having been begun and construction of residential units being commenced.

- (b) Duty of owner, etc, to remove. It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area within the county to remove such debris as often as may be necessary to prevent the accumulation of such debris.
- (c) Notice to owner, etc, to remove. Whenever the Director of Public Works shall find that debris has been allowed to accumulate and remain upon any lot or parcel of land in a developed residential area within the county in such a manner as to constitute a nuisance, he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.
- (d) Failure to comply with notice. If the person to whom the notice is directed, under the provisions of the preceding subsection fails, or neglects to cause such debris to be removed from any such premises within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (e) Removal by County. In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the Department of Public Works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by removing the debris, and the cost of doing so may become a charge to the property owner, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

Sec. 12-63. Scavenging.

It shall be unlawful for any person to rummage through, take or gather items from County-owned or privately owned solid waste management facilities or any County-owned or privately owned solid waste management containers, including, but not limited to, bags, roll carts for garbage or recycling, bins, roll-off containers, or dumpsters.

Sec. 12-64. Evictions.

The placement of household goods and contents from a lawful eviction process, may, if necessary, be addressed in the same manner of the provision of Debris on a Lot (Sec. 12-62. above). Debris resulting from the lawful eviction process is assumed to be a mixed pile and therefore ineligible for collection under the Residential / Small Business Curbside Collection Program.

Sec. 12-65. Collected Solid Waste is County Property.

Once picked up for collection from the Residential / Business Curbside Collection Program, or disposed of in any County Solid Waste Management Facility, all Solid Waste is County Property whose disposition is the responsibility of the County.

Sec. 12-66. Penalties.

- (a) If any of the matter or material dumped in violation of this Chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm, or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be *prima facie* evidence that such owner dumped or caused to be dumped such matter or material in violation of this Chapter.
- (b) Appointed Refuse Control Officers shall have the authority to enforce all the provisions of this chapter and shall issue summons to violators of any provision to appear in the Magistrate's Court of the County to answer to the charge of violation of the appropriate section of this chapter.
- (c) Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than one thousand, ninety-two and 50/100 (\$1,092.50) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.

Sec. 12-67. Miscellaneous Enforcement Provisions.

- (a) If a non-compliant solid waste pile or roll cart, placed at curbside as part of the Residential / Small Business Curbside Collection Program, is not, in whole, brought into compliance for collection within a 15-day period following notification of non-compliance by the County, it shall be deemed to be an Illegal Pile and considered Illegal Dumping.
- (b) Preparation and storage of residential and/or small business solid waste for collection. It shall be the duty of the occupant or owner of any residential premises, or the owner or operator of any small business, to store all garbage properly, pending collection and disposal. Residential excess garbage beyond that which can be placed in the roll cart shall be neatly placed in sealed plastic bags alongside carts on designated collection days.
- (c) All garbage receptacles except single-use paper or plastic bags and cardboard boxes shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide, if necessary, to prevent nuisance.

- (d) Proof of means used for disposal of solid wastes by businesses and commercial enterprises shall be presented to the Refuse Control Officers when requested by said Officer.
- (e) Each property owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property occupied by him (or her) or on a public thoroughfare adjoining his or her property.
- (f) It shall be a violation of this article to place or cause to be placed in any dumpster, solid waste receptacle, or bulk container for collection any acid, explosive material, flammable liquids or dangerous or corrosive material of any kind, or any other hazardous waste.
- (g) No person other than the owner thereof, his or her agents or employees, or employees of contractors of the county for the collection of solid waste shall tamper or meddle with any garbage container or the contents thereof, or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.
- (h) Property owners shall be prohibited from receiving for deposit in their refuse containers any type refuse that originates outside their designated collection area.
- (i) Property owners shall be responsible for policing any strewn refuse resulting from broken bags, garbage not properly prepared for collection or from any other cause other than contractor mishandling.
- (j) It shall be unlawful for a Resident / Small Business Owner to repeatedly leave Roll Carts at curbside in residential areas beyond the prescribed daily period for collection.

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

Sec. 12-68. In General.

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

Attachments.

Attachment A – Annual Solid Waste Fee Schedule (Sample)

Attachment B – Residential / Small Business Curbside Collection Program Uniform Fee Calculation Worksheet (Sample)

Department of Public Works (DPW)

Solid Waste & Recycling Division (SWR)

FY-2X Annual Solid Waste Master Fee Schedule (Sample)

Updated: 22-Jun-21

Residential / Small Business Curbside Collection Fee (Standard Level of Service) *	\$ 323.70	Per Roll Cart Serviced	Annually
Residential / Small Business Curbside Collection Fee (Enhanced Level of Service) *	\$ 582.66	Per Roll Cart Serviced	Annually
Residential / Small Business Curbside Collection Fee (Enhanced Level of Service / Disability) *	\$ 323.70	Per Roll Cart Serviced	Annually
Construction & Demolition (C&D) Debris	\$ 24.00	Per ton	
Yard Waste / Land Clearing Debris	\$ 24.00	Per ton	
Bulk Items / Brown Goods	\$ 24.00	Per ton	
Roll Cart Fee	\$ 68.00	Per Roll Cart Serviced	
White Goods / Scrap Metal	\$ 24.00	Per ton	
Waste Tire	\$ 15.00	Per ton	Or \$1.50 each
Mattress / Box Springs	\$ 24.00	Per ton	
Electronic Waste (Broken Televisions or Monitors)	\$ 0.72	Per pound	
Electronic Waste (Intact Televisions or Monitors)	\$ 0.33	Per pound	
Electronic Waste (All other ewaste)	\$ 0.20	Per pound	

Notes - * Initial Solid Waste Service Initiation Fee shall be calculated on a pro rata, per diem basis.

(ATTACHMENT 'A')

Department of Public Works (DPW)
Solid Waste & Recycling Division (SWR)

FY-2X Annual Residential / Small Business Curbside Collection Program Uniform Fee Calculation Worksheet (Sample)

Updated: 22-Jun-21

Collection Area	# Customer Roll Carts	Bid Price / Roll Cart (\$)	Total Monthly Cost (\$)	Comments
1	18,348	\$ 20.00	\$ 366,960.00	
2	10,350	\$ 22.13	\$ 229,045.50	Includes the Town of Blythewood
3	15,678	\$ 18.50	\$ 290,043.00	
4	17,716	\$ 19.23	\$ 340,678.68	
5A	8,627	\$ 21.60	\$ 186,343.20	
5B	1,689	\$ 19.78	\$ 33,408.42	
6	10,529	\$ 19.61	\$ 206,473.69	
7	5,877	\$ 20.48	\$ 120,360.96	
Total	88,814		\$ 1,773,313.45	

Total Monthly Program Cost	\$ 1,773,313.45	
	X 12	
Total Annual Program Cost	\$ 21,279,761.40	
Annual Cost Per Roll Cart Serviced	$\frac{\$ 21,279,761.40}{88,814}$	\$ 239.60
Monthly Cost Per Roll Cart Serviced	$\frac{\$ 239.60}{12}$	\$ 19.97
Enhanced (Backyard) Level of Service Multiplier	\$ 19.97	
	X 2.0	
	\$ 39.93	
Annual Cost (Standard Level of Service)	\$ 239.60	
Annual Cost (Enhanced Level of Service)	\$ 479.20	

 (Signature)
 Certified True and Correct:
 County Administrator
 22-Jun-21

(ATTACHMENT 'B')

Department of Public Works (DPW)

Solid Waste & Recycling Division

Richland County Code of Ordinances, Chapter 12 Re-write

Summary of Changes

Updated: 7/13/21

Existing Ordinance			New Ordinance
Article	Section	Title	Comment
I		In General	
	12-1	Dumping within rights-of-way prohibited	Sec 12-60
	12-2	Litter Control	Sec 12-59
	12-3	Scavenging through greenboxes	Sec 12-63
	12-4	Debris on lots	Sec 12-62
	12-5	Penalties	Sec 12-66
	12-6	County landfills not accept garbage, refuse and other waste material generated outside county	Sec 12-52
	12-7	Reserved	NA
	12-8	Reserved	NA
	12-9	Reserved	NA
	12-10	Reserved	NA
II		Collection and Disposal	
	12-11	Applicability	Sec 12-19
	12-12	Definitions	Sec 12-2
	12-13	Administration and enforcement	Sec 12-3
	12-14	General conditions for granting contracts for residential and small business solid waste collection	Redundant - Removed
	12-15	Conditions for residential and small business solid waste collection - Garbage	Sec 12-20
	12-16	Conditions for residential and small business solid waste collection - Yard trash and other household articles	Sec 12-21
	12-17	Additional levels of residential solid waste collection	Sec 12-25
	12-18	Preparation and storage of residential and/or small business solid waste for collection	Sec 12-18
	12-18.1	Exemption from roll cart service and fees for handicapped homeowners	Sec 12-30
	12-19	Transportation of refuse	Sec 12-51
	12-20	Items not covered in residential or small business solid waste collection service	Sec 12-29
	12-21	Unlawful disposal generally	Sec 12-58
	12-22	Collected refuse is county property	Sec 12-65
	12-23	Assessment for residential solid waste collection and small business solid waste collection	Sec 12-13
	12-24	Determination of assessments; inclusion in tax notice	Sec 12-15
	12-25	Lien; hearing required to raise lien amount of charge	Obsolete - Removed
	12-26	County landfill fees	Sec 12-11
	12-27	Corrugated cardboard banned from all landfills	Obsolete - Removed
	12-28	Out-of-county waste banned from all county landfills	Sec 12-52

12-29	Reserved	NA
12-30	Reserved	NA
12-31	Reserved	NA
12-32	Reserved	NA
12-33	Reserved	NA
12-34	Reserved	NA
12-35	Reserved	NA
12-36	Reserved	NA
12-37	Reserved	NA
12-38	Reserved	NA
12-39	Reserved	NA
12-40	Reserved	NA

III	Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities, Benefical...		
	12-41	Federal, state and local law	Sec 12-68
	12-42	Reserved	NA
	12-43	Reserved	NA
	12-44	Reserved	NA
	12-45	Reserved	NA
	12-46	Reserved	NA
	12-47	Reserved	NA

CHAPTER 12: GARBAGE, TRASH AND REFUSE*

*Editor's note--At the discretion of the editor, Ord. No. 954-82, effective Jan. 1, 1984, has been included as having superseded §§ 12-2, 12-4, and all of Art. II, formerly comprising §§ 12-11--12-21. Ord. No. 954-82 had been saved from repeal by § 1-10(7); it was not specifically amendatory. The provisions codified as old §§ 12-2, 12-4 and 12-11--12-21 derived from Code 1976, §§ 8-2001--8-2013 and Ord. No. 649-80, effective June 6, 1979.

Cross reference(s)---Dumping on private property, § 2-199; hazardous chemicals, Ch. 13; health, Ch. 14; sewers and sewage disposal; weeds and rank vegetation, § 18-4; § 24-61 et seq.

State law reference(s)--Garbage collection and disposal in counties, S.C. Code 1976, § 44-55-1010 et seq; solid waste collection and disposal by counties, S.C. Code 1976, § 44-55-1210 et seq.

ARTICLE I. IN GENERAL

Sec. 12-1. Dumping within rights-of-way prohibited.

It shall be unlawful for any person to dump, throw, drop, leave, or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, glass bottles, glass or cans on any property belonging to another on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the authorized and franchised garbage collector for that district; nor shall any person throw or deposit any refuse in any stream or other body of water within the boundaries of the county.

(Code 1976, § 11-4001; Ord. No. 389-77, § 1, 4-20-77)

Cross reference(s)--See also § 12-21.

State law reference(s)--Similar provisions, S.C. Code 1976, § 16-11-700.

Sec. 12-2. Litter control.

(a) Responsibility of driver. When litter is thrown from a vehicle, the driver shall be held responsible regardless of who throws the litter out of the vehicle.

(b) Procedures. The following procedures shall be followed by refuse control officers when citing violators of this provision of this section:

(1) In accordance with South Carolina Code 1976, section 16-11-710, the county refuse control officers shall hereby be authorized to accept a cash bond in lieu of requiring an immediate court appearance by a person who has been charged in a violation of ordinances and laws relating to litter control. Checks shall be accepted instead of cash.

(2) Refuse control officers shall use Form S-438 when issuing citations.

(3) In cases where bail is accepted by arresting officers, the violator's copy of the summons (blue) shall serve as the receipt for the offender. Bail monies shall be properly secured during nonworking hours by the refuse control officer. Prior to the trial, the arresting officer shall turn the bail bond over to the magistrate who signs the receipt portion of the summons for the arresting officer. Strict accountability shall be required in accordance with established procedures of the county's finance department (Ordinance No. 233-1015-75, Sections 1 and 2).

(Ord. No. 954-82, § 11, 1-1-84)

Sec. 12-3. Scavenging through greenboxes.

It shall be unlawful for any person to rummage through, remove, or salvage items from or otherwise scavenge from or tamper with any county-owned greenbox, solid waste container or the area located around green boxes and containers located within the unincorporated area of the county.

(Code 1976, § 11-1003; Ord. No. 794-81, §§ I, II, 4-2-81; Ord. No. 999-82, § I, 12-1-82; Ord. No. 1907-89, § IV, 9-5-89; Ord. No. 006-02HR, § I, 3-19-02)

Sec. 12-4. Debris on lots.

(a) Definition. For purpose of this section, the term "debris" means refuse, rubbish, trash, garbage, offal, junk, spilth, waste, litter, and/or building materials that are determined to be deleterious to good health and public sanitation.

(b) Declaration of nuisance. Debris allowed to accumulate and remain on any lot or parcel of land in a developed residential area within the county may be deemed and declared a nuisance in the judgement of the county public works director. For the purpose of this action, "residential area" is defined as property zoned for a residential use, platted for residential use with a plat having been begun, installation of utilities having been begun and construction of residential units being commenced.

(c) Duty of owner, etc., to remove. It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area within the county to remove such debris as often as may be necessary to prevent the accumulation of such debris.

(d) Notice to owner, etc., to remove. Whenever the county public works director shall find that debris has been allowed to accumulate and remain upon any lot or parcel of land in a developed residential area within the county in such a manner as to constitute a nuisance, s/he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

(e) Failure to comply with notice. If the person to whom the notice is directed, under the provisions of the preceding subsection fails, or neglects to cause such debris to be removed from any such premises within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.

(f) Removal by county. In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by removing the debris, and the cost of doing so may become a lien upon the property

affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(g) Work may be done by county upon request. Upon the written request by the owner or the person in control of any lot or parcel of land covered by this section, and the payment to the county for the services, the department of public services may enter upon any such lands and remove the debris therefrom, the charge and cost of such service to be paid into the county treasury.

(Ord. No. 1130-84, §§ 1-7, 3-6-84; Ord. No. 1611-87, §§ 1-5, 5-5-87; Ord. No. 1843-89, §§ I-III, 3-7-89; Ord. No. 2086-91, §§ I, II, 4-16-91; Ord. No. 051-02HR, § II, 9-17-02)

Sec. 12-5. Penalties.

(a) If any of the matter or material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm, or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this chapter.

(b) Appointed refuse control officers shall have the authority to enforce all the provisions of this chapter and shall issue summons to violators of any provision to appear in the magistrate's court of the county to answer to the charge of violation of the appropriate section of this chapter.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than five hundred (\$500.00) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.

(Ord. No. 954-82, §§ 12-1, 13-1, 13-2, 1-1-84; Ord. No. 023-01HR, § I, 4-17-01; Ord. No. 051-02HR, § II, 9-17-02)

Sec. 12-6. County landfills not to accept garbage, refuse and other waste material generated outside county.

(a) The Richland County Landfill shall not accept garbage, refuse or other waste material which is generated outside of the county.

(b) Before being allowed to dump garbage, refuse, or other waste material in the county landfill, the person dumping said material shall sign a statement authenticating that said material was generated within the county.

(c) Any and each false statement signed by a person dumping material referred to in subsection (b) of this section shall constitute a violation of this chapter.

(d) The term "generated," as used in this section, shall mean the point of origin of garbage, refuse, or other waste material. Sludge from waste treatment plants located outside of the county which treat waste generated in the county may be accepted to the extent that the sludge is generated in the county.

(e) Any dispute as to the point of origin of garbage, refuse, or other waste material shall be decided by the director of public works and utilities.

(Ord. No. 1703-88, § 2, 1-5-88; Ord. No. 1736-99, §§ I-III, 4-19-88; Ord. No. 051-02HR, § II, 9-17-02)

Secs. 12-7--12-10. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 12-11. Applicability.

This article shall apply to the preparation, storage, collection, transportation and disposal of all refuse in the area under jurisdiction of the county council as presently or hereafter established. It shall prescribe rules and regulations relating to collection and disposal of solid waste; prescribing rules and regulations for hauling garbage, refuse and other waste material within and through the county; providing for the proper disposal of solid waste; prohibiting littering and illegal dumping within the unincorporated area of the county, and providing penalties for violation thereof. This article provides for the assessment of service charges to finance the cost of solid waste collection.

(Ord. No. 954-82, § 2, 1-1-84; Ord. No. 093- 05HR, § 1, 12-6-05)

Sec. 12-12. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

Apartment: Any building containing more than four (4) contiguous dwelling units or any group of buildings or mobile homes located on a single lot which contains a total of six (6) or more dwelling units.

Bulk container: A manufacturing container suitable for emptying by mechanical equipment and approved by the director of public works.

Code: The Code of Richland County, South Carolina.

Commercial establishment: Any hotel, apartment, rooming house, business, industrial, public or semi-public establishment of any nature.

Commercial refuse: Trash and garbage generated by apartments, operation of stores, offices, restaurants and other places of business and industrial establishments (excluding industrial waste as defined herein).

Contractor: The person or persons, partnership, or corporation which has entered into a contract with the county to perform solid waste collection.

County: Richland County, South Carolina.

County administrator: The county administrator or his designated agent.

Disposal facility: Any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.

Dwelling unit: One or more habitable rooms which are intended to be occupied by one (1) family with facilities for living, sleeping, cooking and eating and from which the county would collect refuse; excludes commercial, industrial and manufacturing establishments.

Franchise collector: The person or persons, partnership or corporation which has entered into a franchise agreement with the county to perform solid waste collection.

Garbage: All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; bottles, cans or food containers which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects.

Garden and yard trash: Any and all accumulations of grass, leaves, small trees and branches (not exceeding four (4) inches in diameter), shrubs, vines and other similar items generated by the maintenance of lawns, shrubs, gardens and trees from residential properties.

Hazardous materials: Wastes that are defined as hazardous by state law and the state department of health and environmental control regulations.

Health officer: The county health officer or his authorized deputy, agent or representative or other person as the county council may designate in lieu of such health officer.

Household trash: Any and all accumulations of materials from the operation of a home which are not included within the definition of garbage. Household trash shall include all bulky appliances, furniture, boxes and yard toys.

Industrial waste: Any and all debris and waste products generated by canning, manufacturing, food processing (excluding restaurants), land clearing, building construction or alteration and public works type construction projects whether performed by a governmental agency or by contract.

Refuse: Includes both garbage and trash as defined in this section.

Residential property: Property which contains residential dwelling units other than those defined in this section as apartments.

Residential refuse: Refuse generated by residential property as defined in this section.

Roll cart: Garbage containers, mounted on wheels, which are issued to citizens by the county. Containers are used to store garbage between collections by franchise collectors.

Sanitary landfill: The method of disposing of refuse by placing an earth cover thereon which meets the regulations of the state department of health and environmental control.

Small business: Any business entity registered with the Secretary of State that produces no more solid waste during any County defined solid waste collection cycle than will fill two (2) County-issued roll carts.

Special material: These are bulky materials or other special wastes that are not stored in roll carts and cannot be picked up by a normally used collection vehicle.

Trash: Unless specifically provided to the contrary, shall include and mean household trash and garden and yard trash as defined herein.

(Ord. No. 954-82, § 3, 1-1-84; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-13. Administration and enforcement.

(a) The director of public works shall be responsible for the administration and enforcement of the provisions of this article. He or she may request assistance from the various departments and other officials of the county as may be necessary for the orderly implementation of this article. Regulations promulgated to carry out this article shall be subject to prior review and approval of county council.

(b) Proof of means used for disposal of solid wastes by businesses and commercial enterprises shall be presented to the refuse control officers when requested by them. (Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-14. General conditions for granting contracts for residential and small business solid waste collection.

(a) The entire unincorporated area of the county shall be designated as a roll cart service area and shall be divided into eight (8) service areas with these areas to be plainly outlined on a map of the county. Such maps shall be made a part of the contract with the collectors and shall be available for public inspection..

(b) Contracts shall be obtained as follows:

(1) After the initial awarding of the service areas, the option to bid on any or all of the service areas shall be open to all contractors, or subcontractors, who are garbage collectors for the county, or said areas may be awarded through open, competitive bidding.

(2) If all service areas are not successfully awarded through the above method, areas shall be awarded pursuant to the Richland County Code of Ordinances, Chapter 2, Article X, Division 2, Competitive purchasing policy. Anyone submitting a bid or proposal must meet all qualifications and criteria set forth for collectors.

(3) A lone bid or proposal for a specific service area shall not warrant automatic award of the franchise to the lone bidder or proposer.

(4) Should any contractor, or subcontractor, be found to be involved in collusion, in any way, through his or her own acts or those of any agent, said contractor or subcontractor, shall be disqualified from bidding or proposing.

(5) Successful contractors shall offer to purchase existing solid waste collection vehicles from current contractors within the respective service areas who were unsuccessful in renewing or renegotiating a contract. The value of the equipment will be determined by an independent appraiser.

(6) Successful contractors will be encouraged to hire employees of current contractors, within the respective service area, who were unsuccessful in renewing or renegotiating a contract.

(7) a. In the event that a contractor shall lose his contract through the expiration of his or her contract through the expiration of the contract or otherwise, or in the event that he or she subcontracts his or her area, then county council may, at its option, do any of the following:

1. Contract with the subcontractor without competitive bidding, pursuant to section 2-612(c)(3) and (10);

2. Open the area to competitive bidding by the contractors authorized to operate in Richland County; or

3. Open the area to competitive public bidding.

b. In the event that a contractor is a partnership, corporation, or entity other than an individual, and such contractor anticipates a sale or transfer of the ownership and/or management of the business to a third party, then the county administrator shall, at his discretion, give written approval or denial of the assignment of the contractor's contract rights under the contractor's franchise to the third party. Written approval of the county administrator shall be obtained prior to the third party's assumption of the contractor's duties in the service area.

c. In the event that a contractor who is a partnership, corporation, or entity other than an individual fails to obtain the prior written approval of the county administrator as required by section 12-14(b)(7)b. above, the county may competitively bid such contractor's service area.

(c) Monthly payments shall be made by the director of finance to the contractors. The contractors shall be allowed to petition county council for payment increase, based upon significant change of circumstances in the cost of delivering collection services.

(d) Collectors shall not be permitted to change boundaries of collection areas or to enter into agreements with subcontractors without prior written approval of the county administrator.

(e) All collectors under contract with the county shall continue service to customers as outlined in the contract.

(f) All bonds, insurance and other contractual obligations shall be adhered to by all contractors. Such contract requirements shall be reviewed and/or evaluated on a routine basis, and if, at any time, a collector is found to be in violation of any contract requirement, the collector shall be given fifteen (15) days to correct the violation. Should the collector fail to show compliance with the contract after the fifteen-day grace period, he or she shall automatically forfeit his or her franchise.

(g) The county administrator shall make available to the contractors any information gathered by the county which might assist the collector in submitting his or her cost and/or bid.

(h) Contractors shall not be required to pay the standard landfill dumping fees for residential solid waste or for small business solid waste delivered to the Richland County Landfill.

(i) Contracts with the franchise shall be for a period not to exceed five (5) years.

(j) Any contract may be extended at the option of county council and the contractor for a period not to exceed five (5) years, notwithstanding any contract language to the contrary. Any subcontractor who has assumed the duties and responsibilities of another contractor may, at the option of county council, be substituted as the original contractor of the service area.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1859-89, § I, 4-18-89; Ord. No. 1917-89, § I, 10-3-89; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-15. Conditions for residential and small business solid waste collection--Garbage.

(a) Garbage shall be collected only by collectors who are franchised by the county.

(b) Garbage shall be collected in the entire unincorporated portion of the county by roll cart service under the following conditions:

(1) One (1) roll cart shall be issued to each household in the unincorporated area of the county. The roll carts remain the property of the county for use by the household to which they are issued. Residents who damage roll carts issued to them shall pay for repairing the carts or purchase replacement carts from the county. Carts that are damaged through normal use as a result of being emptied by contractors will be repaired at county's expense. Collection will be suspended at any location at which a roll cart is missing or at which a roll cart is damaged to such an extent as to interfere with normal collection methods.

(2) A small business may request up to two (2) county-issued roll-carts for use in scheduled solid waste collection by the franchise collector. The roll carts remain the property of the county for use by the small business to which they are issued. Anyone who damages a roll cart that is issued to them shall pay for repairing the carts or purchase replacement carts from the county. Carts that are damaged through normal use as a result of being emptied by contractors will be repaired at county's expense. Collection will be suspended at any location at which a roll cart is missing or at which a roll cart is damaged to such an extent as to interfere with normal collection methods.

(3) Except as described in section 12-17(b) and (c), *infra*, roll carts shall be placed at curbside of the nearest public road, no later than 7:00 a.m. on the day of collection. Carts shall be removed from the curbside by the residents no later than 7:30 p.m. on the day of collection.

(4) For residential collection, garbage in excess of the capacity of the roll cart will be collected if placed in plastic bags and placed at curbside along with the roll cart.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-16. Conditions for residential and small business solid waste collection--Yard trash and other household articles.

(a) Refuse shall be collected only by collectors who are franchised by the county.

(b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:

(1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week. This article does not intend to require that yard trash be bagged, boxed or bundled; however, such practice will be encouraged.

(2) Yard trash and other household/business articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:

a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;

b. Sticks, hedge clippings, small brush and leaves shall be placed in neat piles at curbside.

(3) Within one (1) week of each month, contractors shall remove all household/business furnishings, appliances, large yard toys and other large household/business articles, when placed in front of the residence or business at the nearest public road. All large appliances shall have doors removed prior to placement at the curb.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-17. Additional levels of residential solid waste collection.

(a) Citizens living more than three hundred (300) feet from a public road may use either roll carts or other suitable containers to place solid waste awaiting collection. If a roll cart is not used by the property owner, payment for the cart will not be assessed.

(b) Handicapped citizens may receive backyard service for garbage collection. This special exception may be granted when the appropriate county official determines that there is no person living in the house who is physically capable of rolling the cart to and from the curb. In such instances, the cart will be dumped only once per week, on the second day of collection (Thursday or Friday). Provided, however, that yard trash will be collected only from the nearest public road, as set forth hereinabove.

(c) Subdivisions desiring a higher level of service may request backyard pick-up pursuant to the following conditions:

(1) The subdivision must have a duly organized homeowners' association and such request shall be made by said association.

(2) At the time that the homeowners' association requests the higher level of service, said association shall provide either a certified true copy of the results of a certified ballot mailed to each homeowner and tallied by a certified public accountant, or a certified true copy of the minutes of the meeting where the decision was made by majority vote to request said higher level of service. Said minutes shall be signed and attested by the president and secretary of the homeowners' association; the association must also certify that all homeowners were notified of the meeting at least ten (10) days in advance and must furnish a copy of the notice.

(3) At the time that the homeowners' association makes the request, said association shall clearly define the geographic boundaries of the area encompassed in the request, including tax map sheet references.

(4) The cost of the higher level of roll cart service (backyard pick-up) shall be placed on the tax bills of all residents in the subdivision, however, said cost shall not exceed 1.8 times the basic curb service charge. In addition to the garbage collection charge, the county shall be entitled to collect the total cost of administering this program, which shall be divided among the individual homeowners on an equitable basis by the finance department annually.

(5) All requests for the higher level of service (backyard pick-up) shall be made to and approved by the county administrator.

(6) Under no circumstances shall the county provide the higher level of roll cart service (backyard pick-up) to any subdivision which does not have deed restrictions which prohibit curbside pick-up.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1567-86, § 1, 12-30-86; Ord. No. 093-05HR, § 1, 12-6-05)

Sec. 12-18. Preparation and storage of residential and/or small business solid waste for collection.

(a) It shall be the duty of the occupant or owner of any residential premises, or the owner or operator of any small business, to store all refuse properly, including garbage and

trash, pending collection and disposal. Residential excess garbage beyond that which can be placed in the roll cart shall be placed in plastic bags alongside carts on collection days.

(b) All garbage receptacles except single-use paper or plastic bags and cardboard boxes shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide, if necessary, to prevent nuisance.

(c) Each owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property occupied by him (or her) or a public thoroughfare adjoining his or her property. Unlicensed automobiles and other vehicles shall not be permitted to be kept except at appropriate commercial establishments. Removal and disposal of unlicensed vehicles shall be the responsibility of property owners where such vehicles are located.

(d) It shall be a violation of this article to place or cause to be placed in any refuse can or bulk container for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind, or any other hazardous waste.

(e) No person other than the owner thereof, his or her agents or employees, or employees of contractors of the county for the collection of refuse shall tamper or meddle with any garbage container or the contents thereof, or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.

(f) Property owners shall be prohibited from receiving for deposit in their refuse containers any type refuse that originates outside their designated collection area.

(g) Property owners shall be responsible for policing any strewn refuse resulting from broken bags, garbage not properly prepared for collection or from any other cause other than contractor mishandling.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-18.1. Exemption from roll cart service and fees for handicapped homeowners.

There is hereby provided an exemption from roll cart service and fees for handicapped homeowners in the unincorporated areas of the county. Such handicapped homeowners shall apply for said exemption at the solid waste division of the public works department. Such applicant must be handicapped and housebound and must live next to a relative or caretaker who shall agree to assume responsibility for the handicapped homeowner's garbage disposal.

The director of public works shall recommend approval or denial of the handicapped homeowners application for exemption from roll cart service and fees. Final approval or denial of exemption from roll cart service and fees shall be made by the county administrator.

(Ord. No. 1926-89, § I, 11-7-89; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-19. Transportation of refuse.

(a) It shall be unlawful for any person to haul, convey or cause to be conveyed any refuse upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking or being blown from transporting vehicles. The owner or driver of the offending vehicle shall be personally responsible for any violation of this section.

(b) It shall be a violation of this article for any person not authorized by the county to collect and haul any refuse other than that arising from his or her own accumulation within any area of the county in which refuse collection service is maintained by the county.
(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-20. Items not covered in residential or small business solid waste collection service.

(a) Dead animals. Dead animals, other than household pets, shall not be collected. Dead household pets shall be collected by the county animal care department if placed in plastic bags at curbside and if that department is notified. All other dead animals shall be the responsibility of property owners.

(b) Building materials. The county shall not be responsible for collecting or hauling discarded building material, dirt, rock or industrial and hazardous waste.
(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-21. Unlawful disposal generally.

(a) It shall be unlawful for any person, firm, or corporation to dump or cause to be dumped any garbage, trash, litter, junk, appliances, equipment, cans, bottles, paper, trees, tree limbs, tree stumps, brush or parts thereof, anywhere in the unincorporated area of the county except at approved sanitary landfills.

(b) The above provisions shall not apply to the dumping on private property, with the owner's written permission, of sand, dirt, broken brick, blocks, or broken pavement or other suitable material for use as a fill to raise the elevation of land; provided, the same is not maintained in an unsightly condition and, further provided, the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 006- 02HR, § II, 3-19-02; Ord. No. 093-05HR, § I, 12- 6-05)

Sec. 12-22. Collected refuse is county property.

All refuse collected by county forces or collectors under contract with the county shall be disposed of and/or delivered to such places and used for such purposes as may be ordered by the county.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-23. Assessment for residential solid waste collection and small business solid waste collection.

(a) Residential. Owners of residential property in the unincorporated area of the county, as currently or may hereinafter exist, shall be assessed a service charge for the purpose of financing the collection of solid waste. The assessment for solid waste collection shall reflect a level of service and benefit provided to the owner and shall be determined by the county council. The procedures for collecting the assessment for solid waste collection for new houses shall be as follows:

(1) Before issuing a certificate of occupancy pursuant to section 6-57 of this Code, the director, solid waste management department shall collect from the applicant an amount of money equivalent to the pro rata portion of solid waste assessment for the year in which the applicant is seeking the certificate.

(2) Beginning with the first calendar year after which the certificate of occupancy pursuant to section 6-57 of this Code applied for, the assessment for such services shall be collected through a uniform service charge added to the annual real property tax bill. Furthermore, all penalties applicable to delinquent payment of property taxes shall apply to the uniform service charge for solid waste collection.

(b) Businesses and commercial enterprises. Businesses and commercial enterprises (other than small businesses) shall not be provided garbage collection service by the county; therefore, they shall not be assessed a charge. These activities shall be responsible for the disposal of their garbage, refuse and industrial waste.

(c) Small businesses. Owners of small business in the unincorporated area of the county, as currently or may hereinafter exist, shall be assessed a service charge two (2) times the residential rate per roll-cart for the purpose of financing the collection of solid waste. (Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1849-89, § I, 3-21-89; Ord. No. 1918-89, § I, 10-3-89; Ord. No. 020-95HR, § I, 3-21-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-24. Determination of assessments; inclusion in tax notice.

The county council shall annually determine the assessments to be levied for garbage services, based upon, among other things, the level of services provided the property, the amount of funds required to finance solid waste collection, and the benefit received by the property and advise the auditor of the assessment to be collected. It shall be the duty of the auditor to include the assessment with the annual property tax notices. The county director of finance shall establish a solid waste collection fund and all receipts collected by the treasurer from the assessments for the purpose of solid waste collection shall be credited to the fund.

(Ord. No. 954-82, § 4-3, 1-1-84; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-25. Lien; hearing required to raise lien amount of charge.

(a) If the notice or notices prescribed by subsection (b) shall have been given and the hearing required pursuant thereto shall have been held, all solid waste collection service charges imposed by the county pursuant to this article and not paid when due and payable shall constitute a lien upon the real estate to which the solid waste collection service concerned relates so long as the charges remain unpaid. It is the intention of the county that in addition to such other rights and remedies as may be available to the governing body in law or in equity for the collection of such charges, the lien may be enforced by the governing body in the same manner and fashion as the lien of property taxes on real estate.

(b) Prior to the furnishing of any solid waste collection service for which the prescribed service charge shall, pursuant to subsection (a), become a lien on the property affected and prior to any subsequent increase in any solid waste collection service charge, county council shall hold a hearing on the proposed charges providing property owners an opportunity, if desired, to appear and be heard in person or by counsel before the county

council. Not less than ten (10) days' published notice of this public hearing shall be given in a newspaper of general circulation in the county. Such notice shall state the time and place of the public hearing and shall notify property owners of the nature and quantum of the proposed service charges. Following such hearing, action shall be taken by the county council and published notice of its decision shall be given in a newspaper of general circulation in the county, not less than ten (10) days prior to the effective date of the charges. This notice shall set forth the charges being imposed in such a manner as to notify property owners thereof. Any property owner aggrieved by the action of the county council may proceed by appeal in the court of common pleas for the county, to have such court review the action taken by the county council at which time the court will determine the validity and reasonableness of the solid waste service charge. Solid waste collection service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The appeal provided for herein shall be pursuant to the provisions of chapter 7 of Title 18, of the South Carolina Code of Laws, 1976, providing for appeals to the court of common pleas. (Ord. No. 954-82, §§ 4-4, 4-5, 1-1-84; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-26. County landfill fees.

The following fees shall be charged for all materials dumped in a county landfill:

- (a) Normal garbage and trash: Twenty four dollars (\$24.00) per ton.
- (b) Tires: Thirty dollars (\$30.00) per ton.
- (c) DHEC-controlled waste: Thirty dollars (\$30.00) per ton.
- (d) Baled nylon filament: Twenty dollars (\$20.00) per ton.
- (e) Waste containing nylon filament: One hundred dollars (\$100.00) per ton.

(Ord. No. 1703-88, § 1, 1-5-88; Ord. No. 1906-89, § 1, 9-5-89; Ord. No. 2023-90, § I, 9-4-90; Ord. No. 2144-91, § I, 10-15-91; Ord. No. 018-95HR, § I, 3-21-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-27. Corrugated cardboard banned from all landfills.

(a) Corrugated cardboard shall be banned from all county operated landfills located in the unincorporated areas of Richland County. This ban does not apply to any construction and demolition landfill.

(b) The manager of the solid waste division of the public works department and/or his or her designees, are hereby authorized to implement such programs and procedures as deemed necessary to further implement this program; to inspect all loads designated for any county operated landfill located in the unincorporated areas of the county to insure compliance with this section; to inspect such loads for corrugated cardboard content; and to impose such surcharges as set forth herein for violations of this section.

(c) The manager of the solid waste division of the public works department and/or his or her designees, shall issue a warning for any first occurrence where a load is found to consist of more than ten percent (10%) corrugated cardboard. Upon a second occurrence, the Director and/or his or her designees, shall impose a charge of forty eight dollars (\$48.00) per ton for loads that consist of more than ten percent (10%) corrugated cardboard. This amount will be the entire tipping fee charged for such loads. For any third

or subsequent occurrence, a charge of seventy two dollars (\$72.00) per ton shall be collected.

(d) The manager of the solid waste division of the public works department and/or his or her designees, shall be authorized to establish recycling centers throughout the county to accept corrugated cardboard and other recyclable materials.

(Ord. No. 024-95HR, § I, 5-2-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-28. Out-of-county waste banned from all county landfills.

(a) All solid and other wastes generated from outside the boundaries of the county are banned from being dumped in any county operated landfill.

(b) The manager of the solid waste division of the public works department and/or his or her designees, are hereby authorized to implement such programs and procedures as deemed necessary to further implement this ban; to inspect all loads designated for the county landfill(s) for any violations thereof; and to issue warrants according to law for any violations of this section.

(c) Any residential and/or small business solid waste collector found in violation of this section by the county council shall forfeit their contract with the county.

(d) The manager of the solid waste division of the public works department may seek an injunction to enforce the provisions of this section.

(e) Violations of this section shall be deemed to be a misdemeanor, and any shall subject the violator to a fine not exceeding one thousand dollars (\$1,000.00), imprisonment not exceeding thirty (30) days, or both.

(Ord. No. 045-95HR, § I, 6-6-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-29--12-40. Reserved.

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

Editor's note--Nonamendatory Ord. No. 065-94, §§ III--VIII, adopted Sept. 6, 1994, has been included herein as a new Art. III, §§ 12-41--12-46, at the discretion of the editor.

Cross reference(s)--Hazardous materials, § 13-1 et seq.; zoning, Chapter 26.

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

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

(Ord. No. 008-09HR, § I, 3-4-08)

Sections 12-42 – 12-47. Reserved.