

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ORDINANCE REVIEW AD HOC COMMITTEE

March 15, 2016  
3:00 PM  
Administration Conference Room

1. Call to Order
2. Approval of Minutes: February 23, 2016 [PAGES 3-4]
3. Adoption of Agenda
4. Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts [PAGES 5-11]
5. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph c.; Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [RUSH] [ROA FORTHCOMING]
6. Motion that amends Richland County Code of Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.



#### Committee Members

Julie-Ann Dixon, Chair  
District Nine

Bill Malinowski  
District One

Seth Rose  
District Five

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



**To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.**

**A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.**

**A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.**

**A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.**

**This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities. [MANNING] [ROA FORTHCOMING]**

### **7. Adjournment**

# RICHLAND COUNTY COUNCIL SOUTH CAROLINA

## ORDINANCE REVIEW AD HOC COMMITTEE

February 23, 2016  
3:00 PM  
Administration Conference Room

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

### CALL TO ORDER

Ms. Dixon called the meeting to order at approximately 3:01 PM

### APPROVAL OF MINUTES

**November 17, 2015** – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF THE AGENDA

Mr. Malinowski stated prior to committee meetings, staff provides input to assist the committee members with making an educated decision. The agenda before the committee only contains red-lined ordinances and no input or comment from staff.

Mr. Malinowski moved, seconded by Ms. Dixon, to defer all items until staff and/or departmental input is received.

Ms. Linder inquired if the committee was requesting something similar to the D&S and A&F Committee (i.e. ROAs).

The vote in favor was unanimous.

### ELECTION OF CHAIR

Mr. Malinowski moved, seconded by Ms. Dixon, to nominate Ms. Dixon for the position of Chair. The vote in favor was unanimous.

**Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts** – This item was deferred.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph c.; Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [RUSH]** – This item was deferred.



### Committee Members Present

Julie-Ann Dixon, Chair  
Bill Malinowski

### Others Present:

Geo Price  
Amelia Linder  
Elizabeth McLean  
Sandra Haynes  
Warren Harley  
Michelle Onley

Motion that amends Richland County Code of Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.

To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

A law enforcement officer, or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities. [MANNING] - This item was deferred.

## ADJOURNMENT

The meeting adjourned at approximately 3:12 PM

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

## Richland County Council Request for Action

**Subject:** Amending Chapter 17 to regulate the parking of motor vehicles in the front yard in certain residential zoning districts

**A. Purpose**

County Council is requested to consider a motion to amend Chapter 17 that would regulate the parking of motor vehicles in the front yard in certain residential zoning districts.

**B. Background / Discussion**

On September 15, 2015, a motion was made by the Honorable Damon Jeter and the Honorable Seth Rose, as follows:

“I move to propose an ordinance to impose regulations of motor vehicles parking on front lawns in certain residential zoning districts”

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

**C. Legislative/Chronological History**

- The D&S Committee sent the ordinance to the Ordinance Review Ad Hoc Committee on 10-27-15.
- The Ordinance Review Ad Hoc Committee sent the ordinance to County Council on 11-17-15.
- The ordinance received first reading on December 1, 2015.
- County Council deferred second reading on 12-8-15.
- County Council again sent the ordinance to the Ordinance Review Ad Hoc Committee on 12-15-15.
- The Ordinance Review Ad Hoc Committee deferred on 2-23-16.

**D. Financial Impact**

None.

**E. Alternatives**

1. Approve the ordinance to regulate the parking of motor vehicles in the front yard within certain residential zoning districts.
2. Do not approve the ordinance to regulate the parking of motor vehicles in the front yard within certain residential zoning districts.
3. Approve an amended ordinance regulating the parking of motor vehicles in the front yard within certain residential zoning districts.

**F. Recommendation**

This request is at Council’s discretion.

Recommended by: Honorable Damon Jeter and Honorable Seth Rose

Date: September 15, 2015

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 2/24/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Based on information provided, the requested amendment has no financial impact.

### Sheriff's Department

Reviewed by: Chris Cowan

Date: 3/2/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

If passed, this would pose some issues related to encouraging people to park in the roadway, curbside or that they may find other solutions for parking their cars in front of their houses (this may include people putting up covered carports/metal sheds or fitted covers over the cars). This may cause some safety issues for public safety getting into communities or other related issues with parking on the street.

Clarification is needed on:

- what the grace period would be for those in violation; to have it corrected
- will there be exceptions for covering the car or for acreage

There will be a financial impact:

- New forms will have to be created for posting cars and notification (s) to property owners - \$3000 annual cost
- The number of complaints will far exceed the number of personnel the Sheriff's Department was allocated when the County separated staffing and responsibilities for Code Enforcement 30/70. Currently, the City has 12 personnel conducting the same operations as the 6 personnel RCSD was allocated.

Additional, recommendation/request is that if the County makes changes to any ordinances; before they go into effect, to please put information out to community leaders through the RC Neighborhood Council, News Outlets, Everbridge Notification System and Civic organizations and not rely on advertising public hearings.

### Planning and Development Services

Reviewed by: Geonard Price, Zoning Admin.

Date: 3/7/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Although Planning is not charged with enforcing the proposed ordinance, provision 17-10 (h) specifies that the parking of motor vehicles in the front yard will only apply to specific zoning districts, which is regulated by the Planning Department. Since residential development is not limited to the stated zoning districts of RS-LD, RS-MD, and RS-HD,

during enforcement the Sheriff's Department may encounter issues in determining the zoning of the property.

For practical enforcement, it is recommended that the proposed ordinance also include the zoning districts RM-HD, RM-MD, RU, RR, RS-E, and MH to fully account for where residential development is allowed.

**Legal**

Reviewed by: Brad Farrar

Date: 3/7/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision of Council. However, the "penalties" section of the draft ordinance may raise issues of arbitrariness and capriciousness in how the ordinance is enforced.

**Administration**

Reviewed by: Kevin Bronson

Date: 3/7/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:  
Policy decision for the Council.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL AND COMMERCIAL ZONES OF THE COUNTY; SO AS TO REGULATE THE PARKING OF MOTOR VEHICLES IN THE FRONT YARD IN CERTAIN RESIDENTIAL ZONING DISTRICTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

**Section 17-10. Parking in residential and commercial zones of the county.**

(a) For the purpose of this section, the following definitions shall apply:

- (1) ~~*Fitted cover, for the purpose of this section,*~~ means a cover that conforms to the basic shape of the vehicle and covers all portions of such vehicle.
- (2) ~~*Improved surface means that the surface of a parking space is completely paved with concrete, asphalt, or some other like rigid surface, such as pavers or pervious concrete; to be certain, "improved" does not include gravel or crush and run, even when compacted.*~~
- (23) ~~*Motor Vehicle*~~ means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (34) ~~*Semi-trailer*~~ means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and exceeds a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds.
- (45) ~~*Trailer (other than semi-trailer)*~~ means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle; and which does not exceed a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds. ~~*This definition excludes camping trailers, boat trailers, travel trailers, and utility trailers, as such are regulated in the Richland County Land Development Code at Section 26-173 (f).*~~

(56) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and the load drawn.

(b) It shall be unlawful for a truck tractor, a semi-trailer, or a trailer to be parked on any public street, road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(c) Except as is provided in subsection (d), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the unincorporated areas of the county [except for those parcels that are one (1) acre or greater in the (RU) Rural zoning district] unless the entire portion of such truck tractor, semi-trailer or trailer is parked, stored or located in an enclosed garage or in a carport at the residence, or is enclosed under a fitted cover.

(d) Notwithstanding subsections (b) and (c), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, “active loading or unloading” shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (e.g., the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, “active loading and unloading” does not include parking or “staging” a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point beyond twenty-four (24) hours.

(e) It shall be unlawful for a motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid license to be parked on any public street or road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(f) All motor vehicles or trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked, or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary

structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

(g) Any motor vehicle or trailer that is not capable of operating in accordance with South Carolina law or, in the case of a motor vehicle, not capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district) for more than forty-five (45) consecutive days unless it is kept in an enclosed garage, in a carport, or protected from the elements by a fitted cover.

(h) All motor vehicles parked within the front yard or secondary front yard (corner lots) of any property zoned RS-LD, RS-MD, or RS-HD must be parked on an improved surface. Provided, however, motor vehicles may be parked on the grass of the front yard or secondary front yard on a temporary basis if the homeowner is hosting a special event and there is not enough parking available on the street.

**(hi) Penalties:** Upon a finding by a deputy sheriff of a violation, any offender shall have an opportunity to cure the violation within a prescribed period of time; provided that the period of time allowed shall not begin to run until notice of the violation is provided to the offender. Notice shall be sufficient if provided by personal contact directly with the offender or by talking on the telephone with the offender, by the offender having accepted written notice by certified mail, or by placement of a notice of violation on the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer. If the offender, resident, owner of the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer or owner of the real property on which the violation occurred fails to take proper corrective action, in the prescribed time, such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. Any owner and/or operator of a vehicle, motor vehicle, truck tractor, semi-trailer, or trailer which is in violation of this section (or if the offender is unable to be located, any owner of land on which the violation occurred), and any person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein. In the event that an offender has been previously cited for or given notice of a violation of this section, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation.

(i) *Administration and enforcement:* The Sheriff of Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

ATTEST THIS THE \_\_\_\_ 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:           December 1, 2015  
Second Reading:  
Public Hearing:  
Third Reading: