

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ORDINANCE REVIEW AD HOC COMMITTEE

March 15, 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 3:02 PM

#### APPROVAL OF MINUTES

**February 23, 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 moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

**Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts** – Mr. Bronson stated this item originated with a motion by Mr. Jeter and Mr. Rose in September 2015. In the Sheriff's Department's comments it is noted this would put an additional burden on them.

Mr. Malinowski stated he maintains this is a private matter that should be addressed by homeowner's associations and neighborhood groups. The County should not be involved and use taxpayer money to enforce private matters.

In addition, the proposed ordinance is a "one size fits all" and the County should not be operating in a "one size fits all" atmosphere.

Mr. Malinowski inquired if staff had researched the consequences of additional runoff if the "improved surfaces" are completely paved with concrete, asphalt, or some other rigid surface. In addition, will the citizens be required to obtain a permit to put down the hard surface (i.e. pervious concrete).

Mr. Malinowski moved, seconded by Mr. Rose, to defer this item until the next committee meeting. The vote in favor was unanimous.

Mr. Rose stated he does not want to prohibit someone in the Gadsden area from parking in their front yard, but those districts that are also in the City are the ones that need to be addressed.



#### Committee Members Present

Julie-Ann Dixon, Chair  
Bill Malinowski  
Seth Rose

#### Others Present:

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

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Ms. Dixon stated the special exceptions would be to allow parking on the front lawn for a limited time for birthday parties, family reunions, meetings, etc.

Ms. Dixon directed administration staff to draft an ordinance before the next meeting to address the issues that were presented at this meeting.

**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]** - Mr. Malinowski moved to defer this item to all the committee time to review the ROA.

Mr. Rose requested to move the item to Council without a recommendation.

Mr. Harley suggested hearing from the industry representatives, as well as, Mr. Price.

Mr. Price stated staff did not recommend approval of this item. During the six years the current ordinance has been in place, staff did not come across an instance that prevented towers from being erected in the County.

Ms. Rebecca Best stated companies do not build spec cell towers. They build them where they need service. The cell towers now fall directly down instead of sideways. Myrtle Beach, Charleston and other municipalities have changed their ordinances to allow these cell towers to be erected.

The proposed cell tower is safer than the existing towers and a certified engineer will be required to sign off on the cell tower to insure the towers safety.

Ms. Dixon inquired as to what responsibility the County has if Council denies the proposed ordinance? Approves the proposed ordinance? Overall?

Ms. McLean stated in general the County is immune from liability via the Tort Claims Act. The question ultimately is if the County is liable or if the County is going to be sued. The more information the County receives the better off the County will be when they are sued.

Mr. Rose inquired if the proposed ordinance is the same as what was enacted in Charleston County.

Mr. Malinowski moved, seconded by Mr. Rose, to invite industry representatives to present written recommendations to the committee prior to the next committee meeting and to reach out to Charleston County regarding their ordinance. The vote in favor was unanimous.

**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] – Mr. Malinowski moved, seconded by Mr. Rose, to defer this item to the next committee meeting.

Ms. Dixon scheduled the next meeting for April 5<sup>th</sup> at 3:00 p.m.

## ADJOURNMENT

The meeting adjourned at approximately 3:42 PM

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