

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA

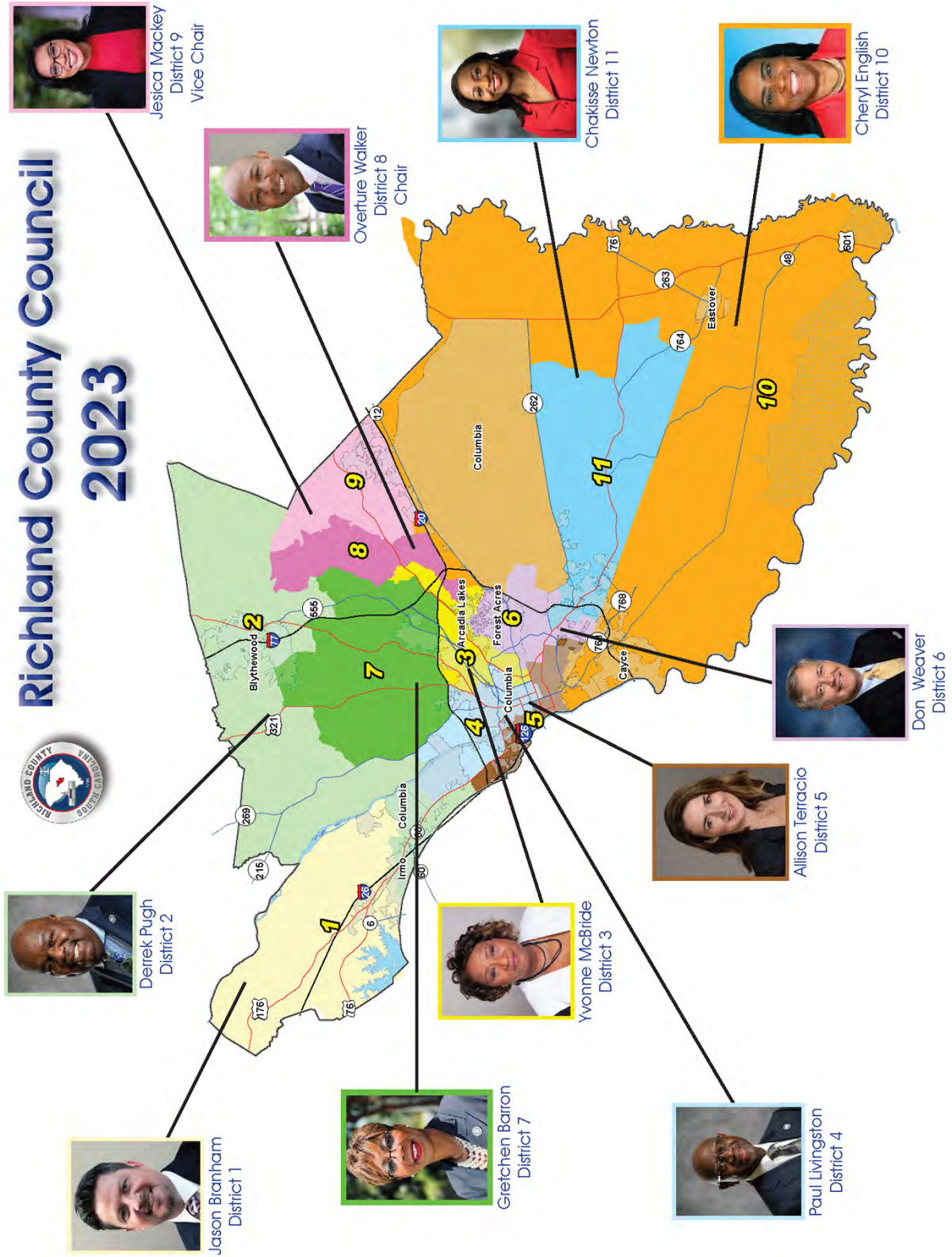


TUESDAY OCTOBER 24, 2023

5:00 PM

COUNCIL CHAMBERS

Richland County Council 2023





**Richland County
Development and Services Committee**

AGENDA

October 24, 2023 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 2	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton

2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
 - a. September 26, 2023 [\[PAGES 5-7\]](#)

3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton

4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
 - a. Department of Public Works - Engineering Division - Briarsgate Circle [\[PAGES 8-14\]](#)

5. **FOR DISCUSSION/PRELIMINARY ACTION**
 - a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – August 30, 2022] [\[PAGES 15-18\]](#)

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Chakisse Newton
 - a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), January 3, 2023] [\[PAGE 19\]](#)
 - b. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up

to \$5,000.00, jail time, and community service (picking up debris on roadways) [English, June 6, 2023] [\[PAGES 20-29\]](#)

7. ADJOURNMENT

The Honorable Chakisse Newton



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
September 26, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Derrek Pugh, Allison Terracio, Gretchen Barron, and Cheryl English.

OTHERS PRESENT: Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Kyle Holsclaw, Zachary Cavanaugh, Dale Welch, Geo Price, Tamar Black and John Ansell

1. **CALL TO ORDER** – Councilwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. June 27, 2023 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. Terracio.
In Favor: Pugh, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Ms. English.
In Favor: Pugh, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. Short-Term Rentals:
 1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022]
 2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023]

Ms. Newton congratulated Mr. Zachary Cavanaugh, Business Service Center Director, on the birth of his child.

Mr. Aric Jensen, Assistant County Administrator, stated that Administration, Mr. Cavanaugh, and Deputy County Attorney Christopher Ziegler have prepared a draft short-term rental ordinance, which is included in the agenda packet. He indicated certain things have occurred since this process began a year ago. The State bill we anticipated to be passed, has not. This bill would limit municipalities and counties from regulating or banning short-term rentals (e.g., Airbnb). We are

currently in a limbo state. We do not know if the bill will pass and what effect that may have on the draft ordinance. At this point, we have prepared a draft ordinance based on the best information available. This includes researching a draft bill that the South Carolina Association of Counties is preparing. Depending on what the State legislature does, we may have to modify what we have already prepared. At this time, staff does not recommend that the committee forward the draft ordinance to Council for consideration.

Ms. Newton requested Mr. Jensen give a brief overview of the draft ordinance to allow committee members to ask questions and/or make research requests of staff.

Mr. Jensen noted this ordinance is not a part of the Land Development Code. Any permission for short-term rentals would have to have an accompanying ordinance or regulation, within the Land Development Code, allowing these things to occur. This particular ordinance deals with the business licensing and inspections of short-term rental units. The ordinance would not specifically allow short-term rentals in any zones. If our Land Development Code were to allow them, this is how we would make sure they are licensed, inspected, and maintained. One of the important things noted in the staff report is that we anticipate if the County were to allow short-term rentals, it would require at least two additional Business License officers to properly license, inspect, and deal with the issues that could theoretically come about with a robust short-term rental program.

Ms. Terracio inquired what the intent of the word “regulating” would entail.

Mr. Patrick Wright, County Attorney, responded anything you are making a requirement would be considered “regulating.”

Ms. Barron stated exploring other options, such as Accommodations Tax, may be helpful. In addition, she wants to ensure we are monitoring these short-term rentals.

Mr. Jensen replied he is confident we will collect Accommodations Tax from these entities. It is estimated the County could recognize up to \$1M in Accommodations Tax from these entities. He noted the revenue from the business licensing would cover the cost of the two additional employees to help monitor the short-term rentals.

Ms. Newton stated her understanding is adding the two employees would not be revenue-neutral but would be a net cost to the County.

Mr. Jensen responded that it could be revenue-neutral depending on the rate collected. As presented in the staff report, there is a cost to the County. The goal is to make it revenue-neutral and generate a surplus in the Accommodations Tax fund.

Ms. Newton stated for clarification, Accommodations Tax funds are used for accommodations tax use purposes via our committee and are not revenues accrued to the County for discretionary use.

Mr. Jensen confirmed that any accommodations tax would have to go through the existing formula and process for distribution.

Mr. Wright asserted the accommodations tax process is regulated by State law.

Ms. Terracio stated she believes a bill was also introduced at the State House expanding uses for accommodations tax, especially regarding short-term rentals, to enhance affordable housing policies and initiatives.

Mr. Wright responded he believed the bill passed.

Ms. Barron inquired as to what the staff’s recommendation is regarding this item.

Mr. Wright replied the committee could either defer it to the next meeting or table it. If you table it, it will not come up again until the committee wishes to take it back up.

Ms. Terracio inquired if we know where the South Carolina Association of Counties is in their talks with the State House.

Mr. Jensen replied that we do not have an update at this point.

Ms. Newton and Ms. Barron requested staff keep the Chair/committee updated on any SCAC or legislative efforts.

Ms. Barron moved to table Items 4(a)(1) and 4(a)(2), seconded by Mr. Pugh.

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

The vote in favor was unanimous.

5. **ITEMS FOR DISCUSSION/PRELIMINARY ACTION**

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – August 30, 2022] – Mr. Jensen stated Mr. Geo Price, Deputy Community Planning & Development Director/Zoning Administrator, Mr. Ziegler, and himself had reviewed the motion and existing ordinance to produce a draft ordinance. After reviewing the draft ordinance with the Sheriff's Office, we have determined there are additional modifications, particularly how it is enforced. The ordinance is anticipated to be ready for discussion and action at the October committee meeting.

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

- a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – Mr. Jensen stated staff has prepared an RFP to hire a third-party expert to advise the County on the impact fee process and the likelihood we would generate a positive result through implementation. He noted it will be a matter of months after the expert is procured to have a report ready for the committee's review.
- b. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English and Terracio, June 6, 2023] – The County Administrator, Leonardo Brown, stated we will be working with the County Attorney's Office and the Sheriff's Department to determine what kind of enforcement mechanisms can be done. In addition, they are working with the Councilmember to get a handle on what is hoped to be accomplished by putting the increased points of attention for the citizens so they can make good decisions regarding where they put their trash.

Ms. Terracio inquired about what parts of the County where illegal dumping is most prevalent.

Mr. Brown indicated the Ombudsman's Office could provide Ms. Terracio that information.

Ms. Newton stated that one of our challenges is that we do not know who did the dumping, making it difficult to enforce. Staff is going out and trying to find identifying items, but if we do not know who they are, we cannot charge them. She inquired if the County and the State would prosecute the offenders.

Ms. English noted we cannot do this job ourselves. We need the citizens to step up.

Ms. Newton requested the pending analysis briefings be included on future agendas.

7. **ADJOURNMENT** – Ms. Barron moved to adjourn the meeting, seconded by Ms. Terracio.

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

The vote in favor was unanimous.

The meeting adjourned at approximately 5:31 PM.

**RICHLAND COUNTY
ADMINISTRATION**

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



Agenda Briefing

Prepared by:	Shirani Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	October 2, 2023	Meeting Date:	October 24, 2023
Legal Review	Patrick Wright via email	Date:	October 6, 2023
Budget Review	Abhijit Deshpande via email	Date:	October 9, 2023
Finance Review	Stacey Hamm via email	Date:	October 11, 2023
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Development & Services		
Subject	Carolina Crossroads- Briarsgate Cir Right-of-Way		

RECOMMENDED/REQUESTED ACTION:

Public Works is requesting that County Council approve the transfer of a portion of the right-of-way on Briarsgate Circle to the South Carolina Department of Transportation (SCDOT) for the Carolina Cross Roads Project.

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 not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no cost associated with this request.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no associated Council motion association of origin.

STRATEGIC & GENERATIVE DISCUSSION:

The South Carolina Department of Transportation (SCDOT) is requesting 809 square feet (0.019 acres) of the southern portion of the County maintained road Briarsgate Circle at the intersection of Broad River Rd to be transferred to their ownership for the re-alignment of the I-20 interchange (Carolina Cross Roads Project). An exhibit is attached illustrating the request. The northern connection of Briarsgate Circle to Broad River Road is signalized and will be improved to accommodate traffic. The southern connection of Briarsgate Circle to Broad River Road will be closed since this is a part of the new I-20 onramp.

Public Works, Community Planning & Development, Emergency Management, and the Sheriff's Department reviewed the request. County staff has no opposition to the request.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- 1.5 Collaborate with other governments
- 4.3 Create excellent facilities

ATTACHMENTS:

1. Quit-claim
2. Exhibit A
3. Waiver of Rights

THE STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Road/Route **I-20/I-26/I-126**
Project ID No. **P027662**
Tract **905**

QUITCLAIM

Approximate Survey Stations

405+00 To 406+00 Right
US 176 (Broad River Road)

To _____

To _____

KNOW ALL MEN BY THESE PRESENTS, that I (or we) **Richland County - 400 Powell Road, Columbia, SC 29203**, for and in consideration of the sum of **One and no/100s Dollars (\$1.00)** to me (or us) in hand paid, receipt of which is hereby acknowledged, do hereby remise, release and quitclaim unto the South Carolina Department of Transportation, its Successors and Assigns, all my (or our) right, title, and interest in and to the following described property:

All that certain piece, parcel or lot of land, including all improvements thereon, if any, including rights of access as may be needed for controlled access facilities, containing 809 square feet (0.019 acre) of land, owned by Richland County, and shown as the "Area of Acquisition" on Exhibit "A", attached hereto and made a part hereof. This being a portion of the Dedicated Right of Way for Briargate Circle shown on a plat recorded in Plat Book 1760 at page 2613 in the ROD Office for Richland County.

GRANTEE'S ADDRESS: SCDOT, Director, Rights of Way, P. O. Box 191, Columbia, SC 29202-0191

Date Checked _____ By _____

Project ID No. P027662 Tract 905

TO HAVE AND TO HOLD unto the South Carolina Department of Transportation, its Successors and Assigns forever, the above quitclaimed premises, together with all and singular the rights, members and hereditaments and appurtenances thereto belonging, or in anywise incident or appertaining.

AND I (we) do hereby bind myself (ourselves) and my (our) heirs and personal representatives, or successors to warrant and forever defend the above quitclaimed premises to the South Carolina Department of Transportation, its successors and assigns against all persons claiming by, through or under me (us).

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and **Twenty-Three**.

Signed, sealed and delivered in the presence of: **Richland County**

1st Witness **By: Leonardo Brown** Grantor
Its: County Administrator

2nd Witness Grantor
(L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE **SOUTH CAROLINA**)
OF _____)
COUNTY **RICHLAND**)
OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by Leonardo Brown, its County Administrator as the authorized signatory for Richland County.

Signature of Notary Public

Printed Name of Notary Public

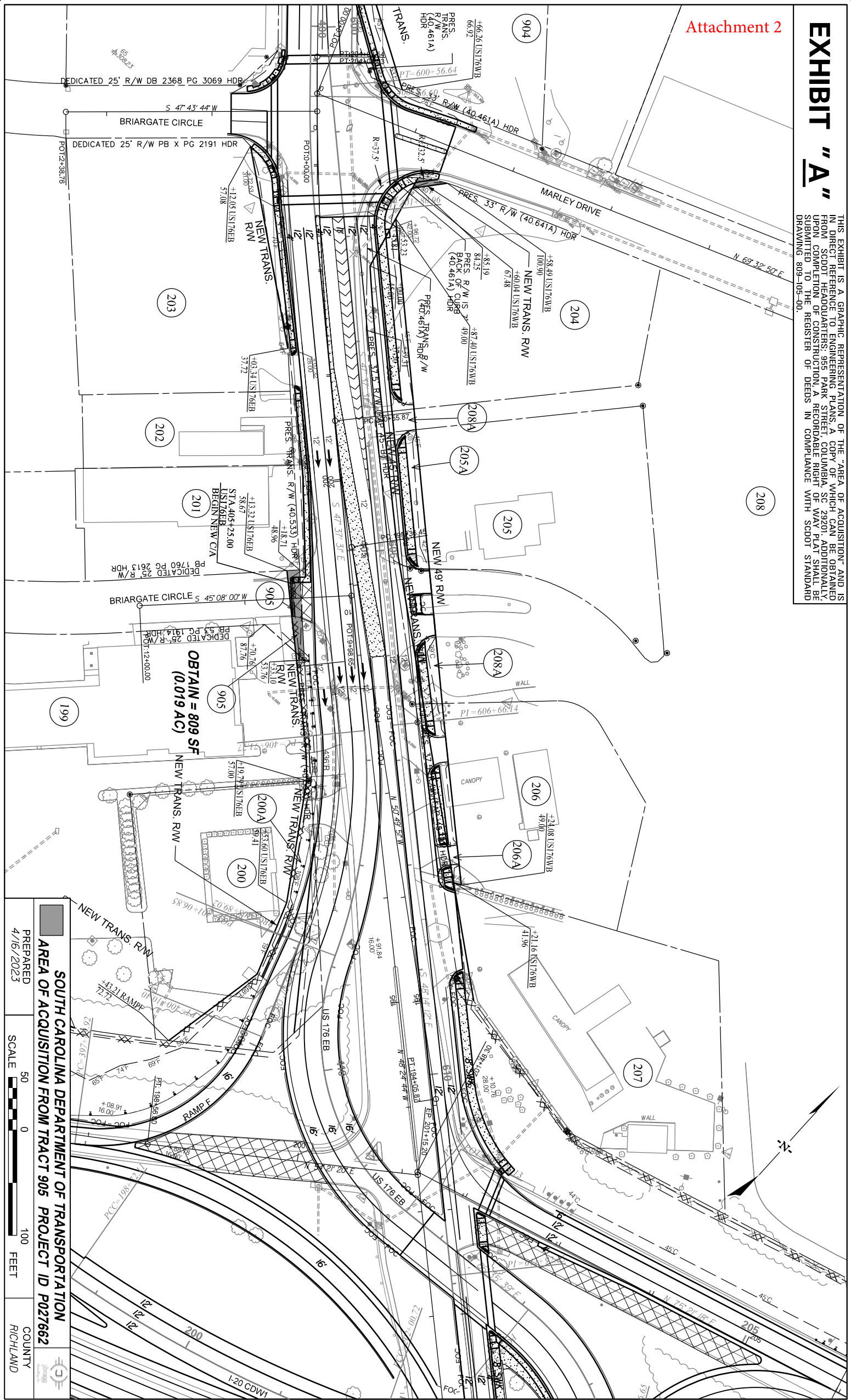
NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDDT HEADQUARTERS: 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDDT STANDARD DRAWING 809-105-00.

Attachment 2



**OBTAIN = 809 SF
(0.019 AC)**

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
AREA OF ACQUISITION FROM TRACT 905 PROJECT ID P027662

PREPARED 4/16/2023

SCALE 50 0 100 FEET

COUNTY RICHLAND



TRACT(S)	ISSUED FOR	DATE	TRACT(S)	ISSUED FOR	DATE

PLANS PREPARED BY

PLANS PREPARED FOR

0 25 50 100

CAROLINA CROSSROADS

BRIARGATE CIRCLE AREA MAP

THE STATE OF SOUTH CAROLINA)
)
COUNTY OF SOUTH CAROLINA)

WAIVER OF RIGHTS

Road/Route **I-20/I-26/I-126**
Project ID No. **P027662**
Tract **905**

I have been fully informed of my right to receive just compensation for the above referenced property pursuant to the U. S. and S. C. Constitutions and the S. C. Code of Laws Section 28-2-370, as amended. However, I hereby willingly and voluntarily agree to waive my right to receive just compensation for the property and choose to donate the property necessary for an easement or right of way for the referenced project. I also hereby release the South Carolina Department of Transportation from the obligation of performing or delivering an appraisal of said property.

Witness our hand and seal this _____
day of _____, 2023.

In the presence of:

Richland County

1st Witness

(L.S.)

By Its: County Administrator

2nd Witness

Leonardo Brown



Item Pending Analysis

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Contributor:	Christopher Ziegler	Title:	Deputy County Attorney
Date Prepared:	October 3, 2023	Meeting Date:	October 24, 2023
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – 30 August 2022]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

At the request of Council, Richland County Administration organized a review of existing County ordinance Sec. 18-4 Weeds and Rank Vegetation. At this time, County staff has prepared an initial draft ordinance and is meeting with the departments that will be involved with its enforcement. It is anticipated that the draft ordinance will be presented to the committee at its October meeting.

Below is a summary of the research and the recommended amendments to date.

1. The phrase "rank vegetation" is no longer common industry nomenclature. South Carolina Code and industry practitioners now use the phrase "noxious vegetation" to refer to plants that are undesirable or invasive for a given region. The proposal is to revise the Sec. 18-4 title to "Unsafe and Noxious Vegetation."
2. There exist both Federal and State noxious weed acts (7 U.S.C. Ch. 61 § 2801 et seq "Federal Noxious Weed Act of 1974"; South Carolina Code Sec. 46-23-10 "South Carolina Noxious Weed Act"). Both acts are referenced in the recommended revisions.
3. Clemson University Agricultural Extension maintains a periodically updated list of plants that are invasive and/or noxious to South Carolina. This list is not a regulatory document; Council would have to adopt it or create a Richland County specific list.
4. The existing ordinance makes a distinction between residential and commercial properties; however, the regulatory standards are not differentiated, and there is no stated reason or justification for the distinction. Furthermore, the existing ordinance excludes undeveloped residential properties from being declared a nuisance, but not undeveloped commercial properties. The proposal is to replace these sections with language defining rural and developed properties, which is a more useful distinction, and for the committee to discuss what standards are appropriate for each.

5. The standards for determining what is "unsafe vegetation" are expanded and more explicit.
6. The language for notices of violation, fines, and related actions are updated to current practices.

KEY ACCOMPLISHMENTS/MILESTONES:

- Completed first draft

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

- Staff requests review of the first draft by the Committee and direction for additional edits/revisions to the ordinance

ATTACHMENTS:

1. Draft ordinance

Proposed Richland County Ordinance Amendment
Draft Date ~~20807~~Sep2023

Sec. 18-4. Unsafe and Noxious Vegetation

(a) Definitions. For purpose of this section:

(1) “Unsafe and noxious vegetation” is defined as trees, vines, grasses, shrubs, aquatic plants, and any other flora that poses a hazard or nuisance in accordance with the standards of this chapter.

(2) “Rural area” is defined as any property with a rural zoning designation whose primary use is residential or agricultural. Any property with a rural zoning designation whose primary use is non-residential or non-agricultural is not considered a rural area.

(3) “Developed” is defined as having any physical structure, public utility connection, or other public improvement.

(b) Standards. (1) Vegetation is deemed unsafe and noxious if it exceeds any of the following standards:

(A) Grass or weeds in excess of twelve (12) inches in height or trailing vines exceeding ten (10) feet in length;

(B) Dead or desiccated growth that poses a fire or other safety hazard and is located within ten (10) feet of a property line;

(C) Dead or desiccated growth that harbors infestations of insects, vermin, or rodents;

(D) Voluntary or involuntary cultivation of plants deemed by Richland County, the State of South Carolina, or the United States to be noxious for Richland County.

(2) The Sheriff may also declare a nuisance if there is demonstrated immediate or imminent physical risk.

(c) Declaration of nuisance. Unsafe and noxious vegetation on any lot or parcel of land in a developed area within the county may be deemed and declared a nuisance in the judgment of the sheriff in accordance with the provisions of this section.

(d) Duty of responsible party to maintain. 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 area within the county to maintain or remove all unsafe and noxious vegetation, as described in this section, as often as may be necessary to prevent the growth of such unsafe and noxious vegetation. However, lots of one acre or more are not required to be cut back more than fifty (50) feet from a property line adjacent to a public right-of-way, and ten (10) feet from all other property lines.

(e) Notice to responsible party to maintain. Whenever the sheriff finds that unsafe or noxious vegetation exists upon any lot or parcel of land in a developed area within the county in such a manner as to constitute a nuisance, He may serve written notice upon the owner, 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 responsible party in person, by certified US mail, return receipt requested, or posted upon the property in a conspicuous location.

(f) Failure to comply with notice.

(1) If a person or entity fails to perform within ~~fourteen~~^{thirty} (14~~30~~) days after being duly noticed of a violation in accordance with this section, such person or entity shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days. Each subsequent day of nonperformance after the fourteen (14) day period constitutes a separate violation.

(2) If a person or entity may be cited by the sheriff without providing a fourteen (14) day correction period for an infraction occurring within a three month period following the resolution of an initial failure to perform.

(g) Removal by county. In the event any property is determined to be a nuisance and the responsible party has not adequately performed within thirty days of the provision of notice, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by cutting and removing such unsafe or noxious vegetation, 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, or by any other means provided by law.



Item Pending Analysis

Prepared by:	Aric Jensen	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	October 11, 2023	Meeting Date:	October 24, 2023
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

An RFP for professional services to prepare an analysis of the current conditions and potential options has been prepared and submitted to the Procurement Department for publishing. It is anticipated it will take 2 months to select a vendor and then another two to three (2-3) months to conduct and prepare the report. Staff is tentatively scheduled to make a presentation to the Committee at its March 2024 meeting.

As a reminder, the initial analysis suggests there are limited opportunities for impact fee collections in Richland County because impact fees in South Carolina typically must fund new facilities for school districts, recreation districts, and utilities, and cannot be used for ongoing operations. The purpose of this study is to determine what opportunities exist and to give the Council enough information to determine if it wants to move to the next step, which is to create an impact fee ordinance and program.

KEY ACCOMPLISHMENTS/MILESTONES:

- Initial analysis completed
- RFP prepared and submitted to Procurement

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

December 2023	Vendor selected
February/March 2024	Report completed
March/April 2024	Report to Committee



Item Pending Analysis

Prepared by:	Michael Maloney	Title:	Director
Department:	Public Works	Division:	Special Services
Date Prepared:	October 16, 2023	Meeting Date:	October 24, 2023
Approved for Consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee:	Development & Services		
Agenda Item/Council Motion:	I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways). [English, District 10]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

The Department of Public Works staff is reviewing the proposed language with other South Carolina Counties as well as reviewing the County’s current ordinance. The State of South Carolina is also reviewing its statute regarding illegal dumping.

Sec. 12-5 (c) of the County Code of Ordinances reads:

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.

CRITICAL ISSUES:

- The fine begins when the Special Services Division identifies a person responsible for the problem.
- The fine is subject to Magistrate Court proceeding and findings.
- The Special Services Division clears 15 to 25 sites per week. It is very infrequent that the materials are traceable to an individual.

TOP RISKS/CONCERNS:

- The State statute fine is based on weight.
 - a. Less than 15 lbs. – not more than \$100, not more than 30 days imprisonment, plus 8 hrs. of community service.
 - b. 15 lbs. to 500 lbs. – not more than \$500, not more than 30 days imprisonment, plus 16 hrs. of community service growing to a maximum 32 hours of community service on third violation.
 - c. More than 500 lbs. – not more than \$1,000, not more than one-year of imprisonment
- In all cases, the Court may order the violating party to:
 1. Remove the dumped litter;
 2. Repair or restore the property;
 3. Perform community service relating to the removal of illegally dumped litter or restoration of an area polluted by illegally dumped litter.

The Richland County ordinance presently exceeds the fines of the State statute; however, the State statute has considerably more imprisonment time when littering over 500 lbs.

The State Statute addresses the motion’s proposed community service component, so staff will also recommend adding the same to the County Ordinance.

Staff recommends adding community service as a penalty for violating the County Ordinance 12-5 (c).

The following are recommended, progressive penalties for violations:

40 hours	first violation
80 hours	second violation
first offense fine	\$1,092.50.
second offense fine	\$2,185.00
Jail time recommended minimum	14 days for a second distinct offense

Staff recommends community service as a required judgement in addition to the fine for those found guilty of illegal dumping. Staff also recommends jail time after the first offense. This is currently an option to the Magistrate, but no minimum is given, just a maximum of 30 days.

The fine for any offense is \$1,092.50. Staff recommends doubling the fine to \$2,185.00 on second offense and beyond.

ATTACHMENTS:

1. Redlined County Ordinance

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 storm water 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 required to complete 40 hours of community service or and fined not more than one thousand ninety two dollars and fifty cents (\$1,092.50) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.
- (D) For a second distinct offense and beyond, the community service and fine shall double; the minimum jail time is fourteen (14) days, not to exceed thirty (30) days.

Sec. 12-67. Miscellaneous Enforcement Provisions.

- (A) Appointed 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.
- (F) 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.
- (G) 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.

- (H) 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.

- (I) 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.

- (J) 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.

- (K) 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.

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

- (M) 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.

- (N) 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.

(OLD ORDINANCE) 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 required to complete 40 hours of community service ~~or~~ and fined not more than one thousand ninety two dollars and fifty cents (\$1,092.50) dollars, ~~or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.~~

(d) For a second distinct offense and beyond, the community service and fine shall double; the minimum jail time is fourteen (14) days, not to exceed thirty (30) days.

(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.